The Solicitors' Journal

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GENERAL HEADINGS.

Current Topics.

The Cardiff Meeting.

WE ARE glad to note that the provincial meeting of the Law Society at Cardiff was, as regards attendance, and in its business and social aspects, a great success. The Lord Mayor, in welcoming the Society, said it was the first occasion on which they had met in Cardiff, and he assured them a very warm hospitality. According to the account we have received this promise actualised into "quite magnificent hospitality," and fine weather, which has been so sadly to seek during the summer, added materially to the pleasure of a visit to this most interesting city.

The Future of the Profession.

WITH THE President's address we deal elsewhere. He did good service by dwelling on the present position and the prospects of the profession, and it is essential, both in the public interest and in the private interest of solicitors themselves, that attention should be given to securing adequate remuneration. The tendency of the future may be to diminish litigation, and, until the land transfer controversy is settled, there is always the chance that a further share of the costs necessarily incident to the transfer of land may be diverted from solicitors, and carried over to officia's. But whatever inroads may be made in this way on the traditional sources of remuneration, the ever-growing complication of business and private affairs will ensure ample scope for legal work. In a modern state the functions of the lawyer, whether in public or in private life, should tend to increase rather than to diminish, and belief in the future of the profession will go a long way to insure success. But this will certainly not be attained by suggesting, as was done in one paper read at the meeting, that solicitors must be divided into an inner and outer circle; in other words—we hope we do the writer no injustice—into solicitors who can be trusted and those who cannot. The suggestion was repudiated with a warmth which was perhaps unprecedented at these meetings.

Land Transfer.

A CONSIDERABLE part of the paper read by Mr. RUBINSTEIN at the meeting was occupied with criticisms of a paper read by Sir CHARLES FORTESCUE-BRICKDALE before the Building Societies' Association last May. We have not hitherto commented on this paper, for, while interesting and instructive to the audience, it did little more than emphasize the registrar's well-known present views as to registration of title. Mr. RUBINSTEIN once more refers to his former views and to the "wild injustice" episode of 1886. But surely this might now be allowed to rest. A picturesque phrase has emphasized the registrar's change of opinion, but there are excellent precedents for such changes, and it is sufficient that to him compulsion has ceased to be a wild injustice, and he is now its ardent supporter. At the "May meeting" he was, to use his own words, a tradesman displaying his goods, and seeking to learn the wants of his customers.

Possibly we may refer to the paper hereafter, but we are too much accustomed to seeing Sir CHARLES BRICKDALE in this light to make the matter urgent.

Registration of Deeds.

THE SECOND part of Mr. RUBINSTEIN'S paper contained a suggestion for replacing registration of title by a registry of deeds. As matters stand, we doubt if any such policy is likely to assume practical form. The answer is too obvious. Middlesex and Yorkshire have had deed registries for over 200 years, and no extension of the system has ever been made. If the rest of England has looked on contentedly all that time, and has never asked to participate, it looks very much as though the system is not wanted, and it is too late to hark back to it now simply to avoid registration of title. That, we think, is how practical people would regard the matter, though in suggesting this view we do not mean to prejudge the real merits of the two systems. The question now really lies between private conveyancing and registration of title, and the competition will not be between these in their present form, but as they may be amended. Private conveyancing is, no doubt, capable of further amendment, though in recent years it has become wonderfully simple. But the fundamental objection is the repeated investigation of title. Get over this, and secure insurance against fraud, and the system is immeasurably superior to registration of title. Without these advantages it will be very difficult to displace the Land Registry, and then the right policy seems to be that which has been outlined by the Council of the Law Society, and which, as we note elsewhere, the President endorses—make the register a "stock and share" register, and not an exact reproduction of all the interests in the land.

The Public Trustee.

THE PAPER on the "Future of Family Trusts," which Mr. HUGH RENDELL, of London, read at the Cardiff meeting, contains some very interesting observations on the present position of trusts, whether under the management of the Public Trustee or of private trustees. The reasons which will insure the continuance of the system of trusts are well stated, though we may suggest that Mr. RENDELL is mistaken in arguing that settlement estate duty is a special deterrent to settling property. We have always supposed that the duty was imposed as a set-off against settled property escaping more than one payment of estate duty during the continuance of the settlement. However this may be, trusts have become a recognized part of English family law, and, as administered by private trustees, they will doubtless continue to flourish. But the keen desire of the Public Trustee to attract business has to be reckoned with, and we are growing accustomed to his advertising—and, shall we admit, also to his efficiency in his own domain. And he is not only efficient, but Mr. RENDELL tells us—though only on hearsay evidence—that he is irresistible in manner. "Colleagues of mine, not particularly sympathetic towards this latest development of bureaucracy, have admitted to me that after a personal interview with Mr. STEWART they have come away deeply impressed by his amiability and charm of manner." That is the worst of these officials. Argue against officialism as we may, the actual official, whether at the Land Registry Office or at the Public Trustee's Office, is so sweetly reasonable. But even if this were likely to extend to all future occupants of the office, we should not be afraid for the future of private trusts. For the majority of settlements they will continue to have preponderating advantages.

Safety at Sea.

A SHORT PAPER on *The Titanic* and *Oceana* inquiries was read by Mr. SANFORD D. COLE at the Cardiff meeting; the author dealt chiefly with the position of the Board of Trade and its committees in respect to the regulations issued for securing safety at sea. There are at least three separate committees appointed by the Board which have been given seisin of this matter in its various aspects since the terrible disaster of last April, and the author describes briefly the work of each. One is, of course, the standing Advisory Committee, constituted in pursuance of the Merchant Shipping Acts, which issued its report in August, shortly after that of Lord MERSEY. We dealt with this report at the time in these columns. A second is a special committee nominated for the purpose of advising the Board upon the best method of securing the sub-division of ships by water-tight bulkheads or other means; its task is a difficult and technical one which can scarcely be completed satisfactorily for some considerable time to come. The third is a Departmental Committee appointed to inquire into the best means of protecting shipping from what the author stigmatizes as "floating derelicts"—a point of which, we think, too much is made by alarmists. Our present regulations seem sufficient to secure the protection of passengers and crews against the once very real danger of embarkation in "death-traps." Our own view, as regards nearly all the questions which have been raised as the result of *The Titanic* disaster, is that the really important point is not the enactment of innumerable protective regulations, but the enforcement in practice of such as already exist. It is really quite futile and even mischievous to impose upon masters and crews a mass of precautions which in practice human nature will never observe, because the trouble of carrying them out far exceeds the fear of loss at sea.

Husband's Liability for Wife's Torts.

THE SPECTACLE of Mr. WILKS, committed to Brixton prison because he cannot or will not pay the income-tax charged on the income of his wife, in which he has no interest and over which he has no control, is an object-lesson in the truth, well known to lawyers, that the hardships created by the anomalies and inequalities of our marriage laws are by no means entirely—as some lady reformers are apt to suggest—imposed on the female sex. There are quite a number of indefensible burdens imposed on husbands which were intelligible enough before the passing of the Married Women's Property Act, 1882, but which ought to have been removed by that statute or by some of the various amending Acts which have come into existence within the last few years. For instance, the husband's liability for his wife's torts—*Seroka* v. *Kattenburg* (1886, 17 Q.B.D. 177); *Earle* v. *Kingscote* (1900, 2 Ch. 585)—is generally agreed to be absurd, and the cause of numerous hard cases. At common law this liability was based on the rule that husband and wife are one, so that the wife could not be sued alone; husband and wife had to be joined "for conformity." That being so, when the Act of 1882 permitted the wife to be sued alone and judgment to be entered against her in respect of her separate estate, it seems logical to assume that the right to sue her husband vanished at the same time as the necessity to do so (see judgment of MOULTON, L.J., in *Cuenod* v. *Leslie* (1909, 1 K. B. 880, at pp. 886–889). But in the cases quoted above the courts held otherwise; they took the view that the Married Women's Property Act, 1882, must be construed as intended to remove a disability from married women, not to equalize the law of property as regards rights and obligations between the sexes. Again, a husband is still liable, to an extent which it is easy to stretch so as to work much injustice, for his wife's debts for "necessaries"; these include "conventional necessaries" of all kinds, including an obligation to pay the costs of a marriage settlement in which she settles all her property away from him, and perhaps even the costs of seeking advice from a solicitor who, in fact, advises her that she cannot successfully institute matrimonial proceedings against her husband (see *per* Lord CAMPBELL, C.J., in *Brown* v. *Acroyd* (5 E. & B. 819). It is true that the husband's liability for his wife's debts is based on an intelligible theory, that of implied agency; but this doctrine had been pushed to extreme lengths at common law, because of the wife's property disabilities, and is now largely based on the merest legal fictions.

Husband's Liability for Wife's Income-tax.

BUT, WHILE the common law liabilities of husbands, however anomalous, can be explained as historically based on rational legal principles now obsolete, no such justification can reasonably be urged on behalf of their liability for her income-tax that is the creation of statute; or at least it is grafted on the common law quite unnecessarily by a statute. Our modern income-tax law was created by the Income Tax Act, 1842, which is still the

governing statute, although modified and amended by successive general tax Acts or annual finance Acts. Now section 45 of the Act of 1842, which is still law, declares that a married woman acting as sole trader or entitled to separate property is to be chargeable to income-tax as if sole and unmarried, "provided always, that the profits of any married woman living with her husband shall be deemed the profits of the husband, and the same shall be charged in the name of the husband, and not in her name or of her trustee." This made the husband's income for purposes of taxation include not only the income controlled by him, but also the separate estate of his wife, whether protected by mercantile custom or by settlement. The result is that he must pay income-tax in respect of such income, not because it is a debt due to the Crown from his wife, but as a debt due from himself in respect of this fictitious increase to his income. Consequently, in default of payment, he is liable to the statutory penalties; either to suit for a civil debt under the Income Tax Act, 1842, section 172, and the Tax Management Act, 1880, section 111; or to the summary and more stringent remedy given to the Income Tax Commissioners by sections 86 to 89 of the latter statute and usually adopted in practice. This consists in the issue of a warrant by the Tax Commissioners (section 86), the levy of distress on the debtor's goods by virtue of this warrant (*ibid.*), and the commitment of the debtor to prison in default of payment (section 89). Proof of means to pay is unnecessary, and indeed irrelevant, since penalties are excepted from the protection afforded to impecunious debtors by the Judgment Debtors Act, 1869. It may be mentioned here, that under the Finance Act of this year, in the case of the super-tax (though not the ordinary income-tax), the collectors have an option to collect it either from wife or from husband. This is a tentative step in the right direction; namely, the total abolition of this utterly anomalous liability imposed on husbands.

The Origin of Jurisdiction in Admiralty.

THE PAPER on "The Office and Jurisdiction of the Lord High Admiral," prepared by Mr. J. A. HOWARD WATSON, of Liverpool, for the Cardiff meeting, contained much interesting historical information, and touched upon the early rivalry between this and common law jurisdiction. That a great and long-continued conflict as to their respective powers and jurisdictions once existed between the common law courts and that of the Chancellor in which equity was administered, is one of the commonplaces of our legal history; but what is not nearly so well known is that, until quite recently, a similar conflict upon a much smaller scale existed between the King's Bench and the Court of Admiralty. In each battle one of the foremost protagonists was the famous Sir EDWARD COKE, but his success was greater in his dealings with the Lord High Admiral than in his strife with the Chancellor; indeed, the combat is to some extent connected with the much more celebrated struggle of the Commons against the Crown in respect of the right to levy "ship-money" upon inland counties. According to COKE, the jurisdiction of the Lord High Admiral was in existence as early as the reign of Edward III., but more recent history traces it possibly to that of Edward I. At first, the admiral claimed a wide power to try all cases relating to the sea, and to apply thereto the maritime law common to all nations, but against this the popular party protested, and the statute of 13 Rich. II. was passed to define and limit his jurisdiction. The preamble recites "great and common clamour" as existing against his usurpations, and the operative clauses tie him down to the sea; "that the admirals and their deputies should not meddle from henceforth in anything done within the realm, but only of a thing done upon the sea, as it had been used in the time of the Noble Prince Edward III." Two years later 15 Ric. II. c. 3 was enacted, which declared that the court should have no cognizance of "contracts, pleas, quereles or other things done within the bodies of the counties as well by land as by water"; but it excepted homicide and violent assault on board ship in the estuaries of great rivers. Again, in the reign of Henry IV., yet another statute was passed, reciting once more the usurpations of the admiral, and re-enacting the limitations imposed upon him by the 13 and 15 Richard II. But in those days statutes were not all-powerful, and the King claimed a right to refer "petitions" relating to shipping contracts to his admiral—just as he referred "petitions" as to trusts to his chancellor. Under James I. and Charles I. this right was exercised, notwithstanding the protest of the common-law judges, who issued "prohibitions" to the Admiralty Court just as they unsuccessfully attempted to do with the Court of Chancery. Finally, in 1632, a compromise was arranged by which both disputants signed certain articles which gave the court jurisdiction over (1) contracts made beyond and upon the seas; (2) freights, wages of mariners, and charter-parties for foreign voyages; and (3) the building, repairing, and victualling of ships. It will be observed that this conferred on the court a jurisdiction to deal with contracts of certain kinds; it retained, of course, its traditional jurisdiction over torts committed at sea.

Separation Orders where Husband and Wife Have Both Committed Adultery.

A QUESTION of more than ordinary interest under the law of husband and wife was recently determined by one of the metropolitan police magistrates. By the Summary Jurisdiction (Married Women) Act, 1895, a married woman may, unde certain conditions, obtain in a court of summary jurisdiction a separation order against her husband; and the order is to contain a provision that the husband shall pay her, for her use, such weekly sum as the court shall consider reasonable. By section 6 no orders are to be made under the Act on the application of a married woman if it shall be proved that such married woman has committed an act of adultery, provided that the husband has not condoned or connived at, or by his wilful neglect or misconduct conduced to such act of adultery. By section 7 the court has power to vary or discharge any such order. An application was made under this section to rescind an order for maintenance which had been obtained by a wife, the ground of rescission being the admitted fact that she had committed adultery. She, on the other hand, resisted the application on the ground that the husband also had been guilty of adultery. Her solicitor reminded the magistrate that she had four of her husband's children to support. She had been deserted, and placed in a position of temptation and difficulty, and her husband, himself a wrongdoer, ought not to be allowed to take advantage of her misconduct. The magistrate finally decided that the husband must contribute to the support of his children, and adjourned the proceedings until after the payment of the arrears due by the husband under the order. The law which governs the liability of a husband for the support of his wife and children in circumstances similar to those stated is in a patchwork condition. By the Vagrancy Act, 1824, he is liable to maintain them, and if in consequence of his default they become chargeable to the parish, he may be sentenced to imprisonment. But in *Rex* v. *Flintan* (1 B. & Ad. 227) it was held that he was not liable to the penalty of the Act for refusing to maintain his wife, who had left him and committed adultery, even though he himself had been guilty of adultery since her departure. The question of his liability to maintain his children is left untouched, and we cannot see any principle upon which this liability should be extinguished by the adultery of their mother. The same observation applies to the Summary Jurisdiction (Married Women) Act, 1895, especially where there is ground for contending that the husband has by his own misconduct conduced to his wife's adultery.

Voluntary Settlements and Bankruptcy.

WE HAVE to thank several correspondents for calling attention to an error in the note on *Re Hart, Ex parte Green*, which appeared last week (*ante*, p. 797). The decision of PHILLIMORE, J., there stated was, as we have already observed (*ante*, p. 606), reversed by the Court of Appeal (*ante*, p. 615), and a *bonâ fide* purchaser from the donee under a voluntary settlement is protected against the settlor's trustee in bankruptcy, notwithstanding that the act of bankruptcy was prior to the purchase.

Mr. Plowden resumed his duties at Marylebone on Wednesday, after an absence of 4½ months, and received a hearty welcome from the officials and solicitors practising at the Court.

The President's Address.

MR. SAMSON, at the Cardiff meeting, departed from the routine of a written address, and delivered his presidential remarks with more freedom, and presumably with more effect. At any rate, the address was in closer touch with current and important questions than is sometimes the case. He was able to call attention to two useful pieces of legislation during the past year in which the Law Society has assisted—the Conveyancing Act, 1911, and the Money Lenders Act, 1911. As to the first, we have on former occasions pointed out that, though valuable, it is by no means a model of drafting, and it only makes alterations in detail when legislation on broad lines is urgent. But we recognize the difficulty of securing any legislation which is not dictated by political necessities, and accordingly we are thankful for the minor reforms of the Act. The Money Lenders Act, 1911, rectifies an obvious injustice revealed in the Act of 1900, and gives to purchasers of money-lending securities a protection to which they are clearly entitled.

The County Courts Bill and the Bankruptcy Bill, to which Mr. SAMSON also referred, are examples of the difficulty just mentioned of carrying non-political measures. As regards the former Bill, no doubt the feeling in its favour will grow with delay. New and responsible duties are continually being placed on county court judges, and we believe that the tendency is for the office of county court judge to rise in professional and popular estimation. Whether solicitors should be eligible, as Mr. SAMSON suggests, for the position is a question not of fitness but of the privileges of the bar. The right of advocacy in the county court appears to carry with it the necessary eligibility, and, as masters in the Chancery Division, solicitors exercise judicial powers quite as important, if not so public and multifarious, as those of a county court judge. We have no doubt that there are many solicitors eminently fitted for the position of county court judge. But it is quite possible that the gulf between the county court bench and in the High Court may be bridged over, and then what principle could prevent the appointment of a solicitor county court judge to the High Court bench? Why not? it may be asked, and we have no reply. Here, again, it is not a question of fitness. It is a question of the division of professional work between barristers and solicitors. Incidentally we may remark that Mr. SAMSON somewhat underrates the actual qualification of county court judges when he observes that a barrister is eligible when he has been called for a certain number of years, during many of which he had possibly no practice whatever. This may be so, but it is all the more to his credit that he sticks to the profession instead of drifting into journalism or a Government appointment, and ultimately attains the position which justifies his appointment as county court judge. Changes in the appointment to judicial office may no doubt come, but, whatever may be said for Mr. SAMSON'S suggestion on theoretical grounds, it cannot be put forward as a practical proposition without raising fundamental questions as to the division between the two branches of the legal profession. While that division exists it must, we think, be admitted that the judicial office belongs exclusively to the bar.

On the question of land transfer, Mr. SAMSON did not profess to make any exhaustive statement, but he expressed himself as in favour of the scheme for amendment of the law which the Council of the Law Society are prepared to advocate. This, it appears, depends on two points: (1) The assimilation of the law of real to the law of personal property; and (2) the reduction of the functions of the Land Registry Office to the registration of absolute ownership and cautions. If the system of registration of title is to continue, this second proposal, as we have frequently pointed out, places it in its right position. It gives it the same functions as a register of stocks or the register of shipping. As to the assimilation of the law of real to that of personal property, this is so great a revolution that it is impossible to express an opinion on it without knowing the details of the scheme. If it simply means that the beneficial interest in real property is to devolve on death in the same manner as personalty, it would probably win assent. It means, in effect, the re-introduction of gavelkind, once the custom of the realm and still pertinaciously kept up in Kent. And no doubt there would be the same assent if it means that the Statute of Uses is to be abolished, and that assurances of real and personal property shall be made in the same manner. If it goes further, and aims at complete assimilation—so that, for instance, estates tail in land are to give the absolute ownership, like estates tail in personalty—we should wish to see how it is to be done. The law of real property is not sacrosanct, but it cannot be abolished with a stroke of the pen. The work of the Real Property Commissioners—now nearly a hundred years old—was thorough and cautious, and it has borne fruit. To carry the amendment of real property law to the extent of assimilating it to the law of personal property will require, we imagine, even greater skill and caution; and whatever changes are made, there must always be differences in the law as regards movables and immovables. Possibly, however, the scheme of the Council falls short of the revolution the President seems to suggest.

ON the question of the position of the profession, Mr. SAMSON recognized decreasing emoluments and ascribed them to the rivalry of public departments, and also, as regards litigation, to the delay, uncertainty, and cost which recourse to the courts involves. The first point is our old friend—or, we had better say, foe—officialism. When we are all officials, we shall not be lawyers, and that is one solution of the question. Till this solution is reached, lawyers will exist as an influential section of the community, and legislation or Government action which diminishes their legitimate remuneration is short-sighted policy. To this subject we fear we shall have many opportunities of returning. As regards litigation it is quite time we got rid of the time-honoured tradition that the lists ought always to be in arrear. Something more, no doubt, will be heard of this subject when the question of the appointment of the additional judge comes up in Parliament.

But as to expense it will, we think, be generally admitted that Mr. SAMSON made a mistake in describing the "enormous cost caused by counsels' fees" as the great deterrent to litigation. Doubtless there are certain counsel who demand and obtain fancy fees. In exceptional cases the fee may be justified. But we imagine that the great mass of litigation is conducted by counsel who work for ordinary and by no means excessive fees. The matter could be easily tested in any taxing master's office by ascertaining the proportion of the total bill which, on an average, is due to the employment of counsel. It is a question of statistics rather than of vague assertion, and solicitors have the matter in their own hands. There is no necessity to go to the fashionable advocate of the day. Whether the division of work between counsel and solicitor really increases the total cost is a doubtful point. Comparison might be made with the United States, but we doubt whether litigants are better off there in the matter of expense. At any rate they have to bear their own lawyer's expenses in any case, whether they win or lose.

On the question of bills of costs, Mr. SAMSON struck a truer note. Solicitors are unduly fettered in not being allowed to make their own agreements as to costs, and the absurdity of the present system of item bills was neatly exposed by his remark, adopted from Master King's book on costs, that solicitors have to charge for things which they do not do in order to get paid for what they do. So long, he said, as parties were *sui juris* and of competent understanding, where there was no fraud or duress, and when ample opportunity for revising a bargain was allowed by reference to the court, there ought to be the freest power to contract. Mr. SAMSON spoke hopefully of its being possible to get this opinion embodied in practice. It may be so, but the present law as to remuneration is based on archaic notions as to champerty and maintenance, and it will, perhaps, be more difficult to get rid of them than he imagines. No doubt, however, the attempt should be made. The address and its reception showed a healthy interest in the position of the profession, and we hope that this will bear good fruit in the coming year.

Division of Loss in Admiralty.

By the Admiralty Courts Act, 1840, the jurisdiction of the modern Admiralty Court was recognized and its limits defined, as well as to a certain degree extended. This statute forbade the issue of a writ of prohibition against the court, gave to its judge the status and dignity of a judge in the superior courts of common law, and in many ways improved its procedure, but it expressly reserved the jurisdiction of the courts of common law and equity over the matters mentioned in the Act, so far as they already possessed any, and thus grew up a curious dual jurisdiction of the common law and the Admiralty courts. In cases of collision at sea, and in breaches of maritime contracts, actions could usually be brought in either Common Pleas or Admiralty; and, curiously enough, a different rule as to the liabilities of the tortfeasor in the former case existed in each court. The precise nature of this difference we shall discuss in a moment; but the interesting point to note is that it was not abolished by the merger of both courts into one by the Judicature Act of 1873. For, by section 25, sub-section 9 of that statute it is provided that: "In any cause of proceeding for damages arising out of a collision between two ships, *if both ships shall be found to have been in fault*, the rules hitherto in force in the Court of Admiralty, so far as they have been at variance with the rules in force in the Court of Common Law, shall prevail." It is interesting to note how the Judicature Act decided the conflict here, as it did in the case of that between law and equity, by, giving the palm of superiority to the rival of the common law.

The rule as to division of loss in the Admiralty Court was discussed in the interesting paper on the subject read by Mr FRANK G. PRITCHARD, of London, at the provincial meeting o the Law Society. Substantially, the rules to which the above section refers form one rule or principle, applied in several different ways. That principle is this. Where two parties, each guilty of negligence, collide with and injure one another, Admiralty law treats them as joint-wrongdoers and compels each to bear one-half the loss occasioned by the tort. Thus, if ship A suffer damage estimated at £10,000 and ship B damage amounting only to £2,000, ship A has to bear only one half of the total loss, namely £6,000, and so receives £4,000 from the owner of ship B. Under the common law, however, both A and B would be non-suited, and so each would have to bear her own loss without any assistance from the other; that is the doctrine of contributory negligence. This rule was definitely laid down for the Admiralty Court by Lord STOWELL in 1815 (*The Woodrop Sims*, 2 Dods. 83). It appears to result from the absence in maritime law of one great doctrine which pervades our common law, that which forbids contribution between tortfeasors except when one is the innocent agent of the other: *Merryweather* v. *Nixon* (1799, 8 T. R., 186).

The rule as to division of loss in Admiralty, then, is ideally simple; but not all of its applications are at first sight equally clear. Three possible cases may arise in which the rule has to be applied. The first is that in which there are only the two wrong doing parties concerned, namely the owners of the colliding ships; that is the easy case, and we have used it in the above illustration. The next case is that in which a third party comes in; a passenger or cargo-owner on ship A (himself, of course, innocent) suffers damage from the collision; can he recover it all rom A, or all from B, or partly from both? Said the Court of Admiralty, he must sue both A and B and recover a "moiety" (*i.e.*, one half) of his damage from each: *The Milan* (1861, Lushington, 388). Here, of course, the position was the reverse in the Common Pleas. There, the cargo-owner could recover all his damage against either A or B, and neither had any right of contribution against the other. For some time, indeed, this principle was obscured in the common law courts, owing to the fallacious doctrine of "identification"; it was held in *Thorogood* v. *Bryan* (1849, 8 C. B. 115) that a passenger travelling in a carriage was "identified" with it, so that in the case of contributory negligence on the part of its driver, he could not recover damages against the other vehicle for negligence of which its driver was guilty, but in 1888 the House of Lords overruled this doctrine (*The Bernina*, 13 App. Cases 1). From that date on, the cargo-owner, whose goods on board ship A were lost in a collision with ship B, both vessels to blame, could recover the whole loss against either A or B in the Common Pleas Court, but only one-half against each in Admiralty, so that it became a matter of importance in which court he sued. This distinction was actually upheld so recently as 1910 by the House of Lords in the case of *S.S. Tongariro* v. *S.S. Drumlaurig* (27 T. L. R. 146).

The third possible case is a little more complicated; it arises when there are three parties to the collision, ship A, ship B (a tug), and ship C (in tow of the tug). First, let us suppose that all three vessels are to blame, then each recovers a moiety of its loss against the other two: *The Englishman* and *Australia* (1894, P. 239). Next, let us suppose that ship A is free from fault, but that B and C (tug and tow) are to blame; then A recovers against B and C jointly and severally, *i.e.* each must pay the whole if demanded of it, but is entitled to contribution from its partner in wrongdoing: *Avon* and *Thomas Joliffe* (1891, P. 7). Now let us take a case where there has been collision between *tow* and third party, in which the owners of cargo on ship C (the tow) sue A and B (tug and third party), both of which are held to be in fault, whereas the cargo owners are innocent. Here the cargo-owners can recover in full against either A or B, for the collision is not one between two ships (*both of which are found to be in fault, but between two ships, one of which (the tow) is not in fault*), and therefore the sub-section in the Judicature Act, which gives preference to the Admiralty rule, has no application; the common law rule prevails: *The Devonshire* (1912, 28 T. L. R. 551).

In conclusion, we need only add that by the Maritime Conventions Act, 1911, a new rule has been enacted, and now the loss is to be divided, not equally, but proportionately to the negligence of the tortfeasors. This has always been the foreign law, and until over-ruled by the House of Lords, appears to have been the Scots law. Since the Act came into force it has already been applied in two cases, not yet fully reported, *The Rosalie* and *The Sargossa*. In the former case the plaintiffs were condemned in 40 per cent. and the defendants in 60 per cent. In the latter case the plaintiffs were ordered to pay one-third and the defendants two-thirds of the damages.

Societies.

The Law Society.

ANNUAL PROVINCIAL MEETING.

The thirty-seventh provincial meeting of the Law Society was held at Cardiff on Tuesday and Wednesday, the President, Mr. Charles Leopold Samson (London and Manchester), taking the chair. The following members of the Council were present:—Mr. W. Trower (Vice-President), Mr. C. E. Longmore, C.B. (Hertford), Mr. R. Ellett (Cirencester), Mr. A. H. Coley (Birmingham), Mr. W. H. Norton (Manchester), Mr. A. Davenport, Mr. Marshall, Mr. Humfrys, Mr. C. H. Morton (Liverpool), Mr. T. Eggar (Brighton), Mr. J. J. D. Botterell, Mr. C. E. Barry (Bristol), Mr. R. W. Dibdin, Mr. N. E. Way (Chester), Mr. R. C. Nesbitt, Mr. H. Temperley (Sunderland); also Mr. S. P. B. Bucknill (secretary), and Mr. E. R. Cook (assistant secretary). About 300 members of the society attended the meeting at the opening of the proceedings.

RECEPTION AND BALL.

On Monday evening the visitors were welcomed to Cardiff by the Lord Mayor and the Lady Mayoress (Alderman Sir John and Lady Curtis) at a reception at the City Hall, followed by dancing, which was kept up until 1 a.m. Between 600 and 700 ladies and gentlemen attended.

TUESDAY'S PROCEEDINGS.

The members attending the meeting assembled at the Library of the University College on Tuesday morning, when

The LORD MAYOR, on behalf of and in the name of the city of Cardiff, extended to the society a most cordial welcome. He said this was the first occasion on which the society had met in Cardiff, and he assured them a very warm hospitality.

PRESIDENT'S ADDRESS.

The PRESIDENT then delivered his address, as follows:—Since our last meeting the profession at large has lost a very distinguished member, a man who for many years was a member of our Council, and I think it would not be fitting if before I commence my address

I do not say a few words to express the sincere sorrow every member of the Council felt at the untimely death of Mr. James Beale. To those who knew Mr. Beale he was a most lovable man; he was a man of great stamp of uprightness, and a man who had attained a distinguished rank in his profession. By the members of the Council he was greatly respected and admired, and we all felt that we could rely upon his sound judgment and his keen sense of honour. And I am sure you will all agree with me in regretting the death of Mr. James Beale. Through the operation of a bye-law which was passed a few years ago the Council have also lost the services of two gentlemen of distinction—Mr. Bisschoff, who, as you know, was at the head of a very large commercial firm in the City, and Mr. Wightman. Mr. Wightman was a member of the Council for a great many years; it would have been his turn this year to be president, if he had chosen to take the office. Mr. Wightman has marked his retirement from the Council by presenting the sum of £1,000 in first-class securities to the Council, the annual interest of which is to be devoted to a prize for successful students. I think you will all agree with me that our best thanks are due to Mr. Wightman for his most generous gift. Well now, gentlemen, I propose to divide my address proper into two heads. In the first I shall deal shortly with several points in our annual report, and touch upon the work we have been engaged in during the past year. In the second part of my address I shall invite your attention to a few remarks I propose to address to you upon the position of the profession and matters connected therewith.

Membership and Work of the Society.

With regard to the society, you will observe from the report that the membership is not decreasing, but that there is a small increase. At the same time I should like you to bear in mind that we do not number as members of our society much more than a half of the total number of the profession. Well, the usefulness of the society must depend upon its representative character, and I would appeal to the members of the legal profession who have for some reason or other hitherto not thought fit to become members of the society, that they should further the influence and the interests of the great profession to which they belong by becoming members. As regards the finances of the society, they seem to me to be in a very healthy condition, and I think we all owe a great debt of gratitude to our worthy vice-president, Mr. Trower, who in his capacity of treasurer has looked after our finances for a long time. The position of treasurer of the society is one that takes up a deal of time, and I am sure that, now Mr. Trower has added to the burden of the treasurership also that of the office of vice-president, the warm thanks of the profession are due to him. During the last year the society has devoted a great deal of time to measures connected with the improvement of the various branches of the law. Two Acts of Parliament have been passed in the preparation of which the society has greatly assisted. The first is the Conveyancing Act of 1911. Although I am not a conveyancer myself, I understand that the giving of certain powers to mortgagees with regard to the sale of minerals without the surface, and with regard to accepting surrenders and things of that kind, has been most beneficial. The next Act which we assisted was the Moneylenders Act, which safeguarded the interests of the *bonâ fide* transferees of moneylending securities without notice. You all know that their position was at one time very much imperilled by the decision of the court with regard to *bonâ fide* securities which had been taken in an unregistered name or which were in the hands of innocent parties without notice, *bonâ fide* dealers without notice. This was a grievance which was long felt, and that has now been redressed.

County Court and Bankruptcy Bills.

Now, there are two Acts of Parliament which we are watching very carefully, and in which we have taken a great deal of interest; the first is the County Courts Bill, in connection with which two very important suggestions of ours have met with the approval of the authorities. The first is the insertion of a clause giving solicitors the sole right to be appointed registrars. Now, I consider this, and I am sure you will consider it, a very important provision, having regard to the very few offices that are exclusively open to solicitors. In my view, it is lamentable that there are so few public offices open to solicitors. I am strongly of opinion that the ambit might very largely be extended, and I see no reason whatever why solicitors of a certain number of years' standing should not be as eligible, say, for county court judges, as a barrister who has been called to the Bar for a certain number of years, during many of which he has possibly had no practice whatever. I think we must at any rate keep in mind the desirability of increasing the number of offices to which solicitors shall be capable of being appointed. The next thing in the County Courts Bill is this—that the judge may refuse to allow a counter claim in more than a £100 case if he thinks it cannot be well disposed of in that action, or for certain other reasons it should not be disposed of in the action. The next is the Bankruptcy Bill, and with regard to that we are using every effort to get the law as regards after-acquired realty made the same as regards after-acquired personalty. I am speaking to an assembly of lawyers, and they will at once recognise the importance of this, and I need not dwell upon it further.

Access to Prisoners.

There is a matter to which we have devoted a considerable amount of attention; that is the question of access to prisoners. There were regulations existing as regards this, which regulations were very much abused, and the abuse came prominently before the public and the profession in connection with the Crippen case. Well, the Home Office placed themselves in communication with us, and they have, after submitting the same to us for our criticism, approved a new set of rules which I think meets entirely with the satisfaction of the Council and will prevent any of these abuses in the future.

Discipline.

We have also been engaged, as we have always been in the past, in considering matters for the benefit and advantage of those who seek to become solicitors, and also for the control of solicitors when on the Roll. I propose to allude to these matters perhaps a little more in the second part of my address. We are endeavouring now to obtain an Act of Parliament doing away with the exemption which certain examinations confer upon people who are about to enter into articles, and who should therefore pass the preliminary examination. That will show you that we are very jealous that people entering the profession shall be subjected to the very best possible test of their capacity. The next thing is that when once a solicitor is on the Roll we, as we always have been, and I trust and believe we always shall be, are very stern custodians of the honour of the profession. We endeavour to the best of our ability to deal with every act of malpractice which is brought before us, but at present we are in this position, a position which seems to be peculiar to our profession and which is not shared by other learned professions, that we have no power to deal with the offender ourselves, but are simply able to report to the court, which then metes out punishment. We think that as an honourable profession, as a learned profession, we ought to be put in the same position as other professions are, and, subject to an appeal to the court, that we should be allowed to deal out punishment ourselves; and we are promoting a Bill for that purpose.

Land Transfer.

Now I come to the question of land transfer, of which, in the presence of such high authorities as Mr. Ellett and Mr. Rubenstein, I must speak with bated breath. It is a matter, I know, which deeply interests a great number of you, and, like King Charles' head in Mr. Dick's mind, it is always with us. The Council have again devoted a very large portion of their time, I assure you, to the question of land transfer. We are working throughout in perfect harmony with the Associated Provincial Law Societies, and we have prepared a scheme embodying our present views, and we have submitted, again in perfect accordance with the Associated Provincial Law Societies, this scheme to the Lord Chancellor; and I do not think I can do better than by reading to you the two opening paragraphs of this scheme, a scheme which was prepared under the masterly guidance of Mr. Ellett. It says: "The Council are convinced that if any system of legislation is to be approved by the public and the profession, the law of real property must be amended and assimilated to that of personal property. They regard this consideration as fundamental, for reasons which are well known and have frequently been stated. They further consider that even after such amendment no system of registration can be satisfactory except one based upon registration of absolute ownership combined with cautions. They consider that the system which registers trusts, mortgages, and other interests in land which are not proper subjects for registration, as is done in effect by the system now working in London, is not only useless, but mischievous. They recognize also that while a system of ownership and cautions (commonly called 'Stock and Share' Register) is an object to be aimed at, it is an object which cannot be achieved in its entirety. Land differs from stocks and shares both in inherent qualities and in the laws to which it has been subjected. Differences under the second heading can be removed, but those under the first are permanent. It is impossible, therefore, to include all interests in land under the heading either of ownership or of cautions. A stock and share system when applied to land requires modification; but such modifications are to be taken not as proof of the impracticability of the system, but as the adaptations which it requires in order to fit a different subject matter." The second paragraph says: "The Council are profoundly impressed with the mistakes which have been made in introducing the system now working in London. They believe that compulsion could have been avoided had the question been treated differently in the past. The ultimate judges of any law are the people who have to live under it, and the system which the public repudiates has no chance of success. Bearing this in mind, it is obvious that any system adopted must leave the land holder with all proper powers he at present possesses. It must leave his title to the land at least as safe as it is at present. It must not hamper any proper dealing with the land. It must protect lenders and persons who have equitable and subsidiary interests. It must make dealings in land cheaper than at present and less liable to be defeated by fraud. In a word, it must make the law of landed property cheaper and safer for the public and simpler in practice." May I, with great respect, say that I most emphatically confirm every statement in these two paragraphs? I do not believe they could have been more ably stated, or more concisely put. They embody in very terse and crisp language the attitude the Council take, and they lay down these two principles: First, and before any scheme of legislation can be approved by the public and the profession, the law of real property must be assimilated to that of personal property; and, having laid that down, they then say that no system of registration will be satisfactory to the public and the profession unless it is one of registra-

tion and absolute ownership coupled with cautions. Gentlemen, with these few remarks I desire to leave the question of land transfer, because, if I were to speak to you for hours or days, I think I should only impair the strong position taken up in that memorandum.

Land Registry Office.

But, quite akin to the question of land transfer, there comes the question of a memorandum issued under the Royal Arms and with the heading of the Land Registry by somebody—it is not signed, but I suppose by the Registrar—on the facilities offered by the Land Transfer Act for cheapening and simplifying dealings with land. I believe you all know that the Council have issued an "Observation" dealing with this memorandum, and again I would like to respectfully associate myself with everything the Council has said in that memorandum. It does seem to me that a memorandum issued under no statutory obligation, and with no statutory right, has no right to be issued under the Royal Arms and from the Land Registry, and when we find that that memorandum is full of inaccuracies it is a matter greatly to be deplored, and, moreover, it is strongly to be condemned as touting in its worst form. Well, now, gentlemen, my practice, for good or ill, has not brought me in close touch with conveyancing, because the conveyancing portion of my firm's business as conveyancers, as far as regards land transfer, is mostly done in Lancashire; but I have recently come across a matter which I think only needs to be mentioned to show that false deductions are to be drawn from this document. This document only deals with the question of the cost of getting land on the register; but it does not deal with the question of cost of dealing with the registered land. And it happened a few months ago I had, on behalf of clients, to carry out a debenture issue of £100,000, charged upon a Crown lease upon property in the heart of the West Riding. The transaction, as far as the Land Registry was concerned, was of the simplest possible nature; it simply consisted in our requiring them to register a charge for a document; I do not know what it was, but it was in connection with a charge simply on a lease granted by the Crown to the company that accepted the mortgage. And when I tell you that for registering that simple document, which could not have taken a clerk five minutes, which demanded no investigation of title or anything of the kind, that the fee my clients had to pay to the Land Registry was £225, I think you will all agree that any question of cheapness falls to the ground. In connection with land transfer, I omitted to say that we are in close touch with the Lord Chancellor upon the question, and that the scheme which I have read to you has been forwarded to his lordship, and that he has written to me to say that it is a matter which interests him very much, and that when the sittings of the court are resumed in October he wishes to see a small deputation upon the subject.

Contempt of Court.

There is only one other matter I wish to refer to before I come to the second part of my address, and that is a case which I have no doubt the members have noticed, and which is a most startling one, the case of *Scott* v. *Scott*. It is a case in the Probate Court, or in the Divorce Court, concerning a question of nullity of marriage which was directed to be tried in camera, where the judge of the court held that the client and the solicitor who had distributed shorthand reports of the trial to mere members of the family had been guilty of contempt of court. With the merits of that case I have nothing to do, but what took place is very important, because when the judge held that this unfortunate solicitor had committed contempt of court, the solicitor went to the Court of Appeal, and the Court of Appeal, by a majority of 4 against 2, the two dissentients being Lord Justice Vaughan Williams and Lord Justice Moulton, now Lord Fletcher-Moulton, decided that there was no appeal on the ground of the matter of general contempt. Well, the poor unfortunate solicitor was not sent to prison, but he was condemned in costs. If that decision is to stand, it seems to me to be one affecting the liberty of the subject, and it will be a sorry thing for England to my mind if any judge can send a man to prison for contempt of court and there is to be no appeal from that decision. There are judges and judges, and there are many judges who seem to me to have very strange notions as to many things, and to solicitors in particular, and it would be very unfortunate, I think, if that decision is to be upheld. I think it was the most marvellous decision which has been given for a long time respecting the solicitor's position. I am glad to say there is to be an appeal from that decision, and I am sure you will, as we do on the Council, sympathise with the solicitor, quite apart from any question of the particular facts of the case; and I trust the appeal will be successful.

Position and Prospects of the Profession.

Now I come to the second part of my address, and I want to say at the outset that it should be distinctly understood that the views I am going to lay before you and the opinions I am about to express are my individual views, my personal opinions, and they in no wise bind the Council. They are as free as the birds of the air to adopt or reject any of the views I am going to place before you. Well, now, I wish you very shortly to consider three things—the position of the profession, the prospects of the profession, and whether anything can be done to improve them. Now as regards the position of the profession, are you satisfied with it? I confess I am far from satisfied. I am absolutely dissatisfied. I have shewn you in the first part of my address that we have done everything in our power, and are doing everything in our power, to improve the status of the profession. At the outset we wish to improve the student by raising the standard of examination—whilst he is an articled clerk by extending to him every advantage which we can for pursuing his studies and for qualifying himself to be a solicitor, and when he is a solicitor, when, as I have said, we are most jealous of the honour of the profession. But having done all this, and when you consider the great expense and time that it takes to become a solicitor, what inducements does the profession offer? We constantly see in the papers offers by qualified solicitors to become clerks at £120, £130, and £140 a year. Do we not constantly hear of solicitors leaving the profession? Do we not frequently hear fathers bewailing the fact that they have put their sons into their business? Gentlemen, is £120 or £130 or £140 a year to be the end-all of a solicitor's profession? Do we not constantly find that the work is decreasing and that the remuneration is becoming smaller? Now, what is this due to? Is it due to the fact that solicitors are not required as much as before? In my view, certainly not. The relations of society are becoming daily more complex, and I think the old times when a client who called his solicitor "Mr. Necessity" and on being asked why he did so said "Necessity knows no law, and I am sure you do not," have long since disappeared. Is it due to the fact that the profession is overcrowded? I do not think so. The population is constantly increasing, and there has not been of late years anything like the proportionate influx into the profession that there was before. To what is it due? In my mind it is due to several causes. The first is officialism and the inroad made on our profession and the emoluments taken by public departments. Well, it may be a good thing, and it may be a bad thing, for the State to try to do everything. This is not a political assembly, and I am not going to discuss that question at length, but I only simply say as regards this—I think we ought to watch and pray. But far more important than officialism, I think, as far as litigation, at all events, is concerned, and that, after all, is, or ought to be, the mainspring of the rank and file of the profession—and please understand that in these remarks I am not seeking the ears of the very favoured few who have either inherited that which came down from generation to generation, or the still more fortunate few who have by great pains and great perseverance made a great commercial business for themselves in the City of London or some of the large centres; what I am asking is the attention of what I may call the rank and file of the profession—and I say this state of things is due to three things: delay, uncertainty, and cost. As regards delay, the Government have told us they propose to appoint a new judge in the King's Bench Division. To my mind this is simply playing with the question, and I think they ought to have taken a bold step and appointed two. As regards uncertainty, I think the constant upsetting of decisions in the Court of Appeal, and the constant restoring of the decisions below by the House of Lords, is a most upsetting point, and I believe that quick, certain, though bad law is sometimes to be preferred to slow, uncertain, and good law.

Expense of Litigation.

But the great thing, after all, and the chief deterrent, is the expense of litigation. Now, what is this caused by? Not by the remuneration to the poor solicitors. It is caused by court fees, counsel's fees, and fees of expert witnesses. I have been in practice for a great number of years. I went to the office as a lad of fourteen. I shall be sixty in January, so I have been forty-six years nearly in practice, and I have seen all sorts and conditions of practice, and possibly I can speak with more varied—I will not say greater experience—but more varied experience than some of my colleagues on the Council, because I have seen practice both in London and the provinces, and I remember the time when there were quite as eminent members of the Bar as there are now, and when the fees paid to those men were absolutely insignificant to the fees paid now. I consider that the great deterrent to litigation is the enormous costs caused by counsel's fees, and I think the time has come when a stand ought to be taken against it. It only requires a few of us to combine and say we will not pay these ridiculous fees for the thing to tumble down like a house of cards. But there is another thing—the ridiculous disparity between taxed costs and solicitors' and clients'. It does seem to me monstrous that a litigant who is successful should be mulcted in the enormous expense that he is now, and I think that, especially in the case of a successful defendant who is forced into litigation, there ought to be a practical indemnity against costs, except, of course, the costs incurred by over-caution or by extravagance.

Bills of Costs.

Then I come to the way in which we solicitors have to make out our costs. I think it is really a relic of barbarism. We have to make out our bills by charges for things we really do not do in order to get remuneration for things we do, and the client hates that way of charging. He does not like to see a long bill of costs made up by "attending counsel; attending paying his fee and clerk," and why we should pay his clerk the Lord only knows; "drawing up and despatching telegram to you"; "term fee"—which he never understands—and a long list of ridiculous items of the kind. That I am not alone in the views I am expressing on this point, I should like to read a paragraph from the preface to "Costs on the High Court Scale," by Master King, one of the present taxing masters, and what he says is this: "Costs are a peculiarly British institution. No other country pays its lawyers in the same fashion, and in particular no other country

has such an extraordinary difference in mode of payment between the men who think and the men who talk, between the men whom suitors see and the men to whom judges listen. Nor is this distinction the only peculiarity in our mode of legal remuneration. Under it, from various causes, but principally from an inordinate application of the maxim '*via trita via tuta*,' solicitors are largely dependent for their living upon allowances which are framed upon the paradoxical principle of paying them for things they don't do by way of compensation for not paying them for things they must do." That, gentlemen, is the opinion of Master King, and I cordially agree with it.

AGREEMENTS AS TO COSTS.

Now I come to another matter. I have pointed out what I have considered the defects, and I have pointed out the remedy; but why is it not possible in contentious matters to arrive at a different system? Why cannot we make agreements with our clients as to what we are going to charge them? In non-contentious matters you are clearly allowed to do it. The Attorney and Solicitors Act of 1870 to my mind said we should be allowed to do it in contentious matters, but there is a section in that Act which has given rise to some discussion—and please understand that I am not now trying or intending in any wise to prejudge the question, but we have got to consider it some day. I am talking of the right to make agreements. It is said you can agree to charge, but you must not make your charge dependent upon success. In other words, as far as I can understand this very peculiar state of affairs, a London tradesman may say to you: "Mr. Samson, or Mr. Jones, or whatever you like, I have got 500 debts to collect, and they come to £5,000 altogether. I will give you 5 per cent. on all those debts, whether you collect them or not." But he cannot say to you: "I will remunerate you by giving you 5 per cent. for what you do collect." If that is the state of the law, it does seem to me a very peculiar condition of things. It has come to this, that you get paid for work you do not do, and do not bring actions for; but if you want to do a bit of work and bring an action, you cannot get paid for it at all. Well, it may be the law, but it is not common sense to my mind, and, after all, if law and common sense conflict, the law must give way and common sense will prevail in the end. We are told that there are certain things called maintenance and champerty in the way. The names are mere shibboleths. Do not be too frightened about them. If it is necessary, and a good many people say it is, we must obey the law. I am not an Ulsterman. I am not going to tell you the law is there, but I am not going to obey it. I am going to obey the law if it is the law, but I am going to try everything in my power to get that law altered, and let common sense prevail. It does seem to me, and I have always been of opinion, that so long as the parties are *sui juris*, of competent understanding, when there is no fraud or duress, and when ample opportunity for revising a bargain is referred to the court, there ought to be the freest power to contract. I am not alone in saying this. I know that judges—the highest in the land—with whom I have spoken share my views. I know that politicians, Cabinet Ministers, and men of the greatest eminence also share my views; and I would respectfully urge that if the law does not allow that freedom of contract, we should try to get that law altered. Why should we fear trying to get common sense to prevail? We should have the clients with us, we should have all mercantile men throughout the country with us, and I believe we should have Parliament with us. That is a matter which must emanate from outside the Council, and I am sure if the matter is taken up you will find the Council, as they always have been, ready to give a most willing ear to every public demand. I have unfortunately arrived at an age when, to borrow a metaphor a friend of mine used the other day, the flame of enthusiasm is apt to burn low in the socket. It is sufficient for me if I have pointed out a way for others to lead, and if I have lighted a torch which may illumine that way; and I would complete and finish my address by simply borrowing two words from a speech made by the King when he was Prince of Wales, and say to you, "Wake up."

CONCLUSION.

My address is finished. I am quite aware that in the second part of it I have touched on matters on which opinion may differ—will differ—and that I shall be exposed to a certain amount of criticism, and it may be urged that my address ought to have been upon a loftier plane. It would have been quite easy to me to have spoken to you upon abstract and theoretical questions. I might after considerable research have indulged in a consideration of law, say, as contradistinguished from principles of justice; I might have spoken to you on the abstract question of clogging the equity of redemption, or I might have invited your attention to contrasting our system of law as compared with the systems existing in other countries. I am afraid I have not gone much to-day into these loftier subjects—on the question of theory. I am a plain business man, and I thought I should be speaking to business men, and I should talk upon a subject which would interest them, even if they did not agree with me.

Mr. IVON VACHELL (president, Cardiff Incorporated Law Society) moved a vote of thanks to the president, which was carried with acclamation.

LONG VACATION.

Mr. E. J. R. MAGGS (London) wished to move a resolution as follows:—"That in the opinion of this meeting it is desirable that the legal Long Vacation should be curtailed in the future, and this meeting recommends and urges the council of the Law Society to use their best endeavour to bring this much-needed reform into effect."

The PRESIDENT, however, ruled that the motion was out of order, as the subject of the Long Vacation had not been referred to in his address.

PROVINCIAL MEETINGS.

Mr. J. S. RUBINSTEIN (London) was also desirous of bringing forward a resolution to the effect that the council of the society should consider the question of making grants towards the local expenses of the provincial meetings, but as no invitation was received for the meeting next year, the opportunity did not arise, and

The PRESIDENT ruled that such a motion would be out of order.

Mr. HUGH M. INGLEDEW (Cardiff) read a paper on

THE DEVELOPMENT OF RAILWAY LAW.

If any justification be necessary to excuse an attempt to deal with such a far-reaching and complex subject as the development of railway law within the prescribed limits of a paper of this character, it may be found in the fascination which the operations and working of a railway holds for nearly all classes and both sexes from youth to old age. It is also, it is thought, not inappropriate that the subject should be touched upon in an industrial district such as South Wales, which links together, almost within the memory of those living, the labour and foresight of the old captains and pioneers of the iron and steel and coal industries with the rush and turmoil of modern developments of carriage and export required to give the necessary outlet to the present requirements of those industries. It is at least remarkable that, whilst it would have been thought that the interests of the great manufacturers and works owners of this country, who owe their success and prosperity to the facilities of carriage for home and foreign markets provided by the railways and docks, would have continued identical, and closely interwoven with the interests of the great railway and dock companies who have raised and spent their capital in providing these facilities, yet almost from their inception the provision of railway and dock capital and the development of the great steam highways and their waterside stations or ports have fallen upon a totally different class of the public—*i.e.*, the comparatively small middle-class investor. On the other hand, the efforts of the great merchants have both in and out of Parliament been largely directed to imposing by a succession of enactments, restrictions and regulations which, while undoubtedly limiting the earning powers of the railway companies, have correspondingly deprived the public and the trade of accommodation and facilities which might and ought to have been theirs. It is only necessary to recall that the average interest on the 1,300 millions of railway capital invested in this country amounts to not more than 3½ per cent., to show how the legal obligations and obstructions imposed on the construction and extension of railway works coupled with a series of restrictions on the companies' freedom of charge have now rendered it difficult for the largest commercial industry we have to raise the capital on reasonable terms necessary for its continued development and usefulness. It is hoped that now it has been authoritatively found by the Report of the Departmental Committee on Railway Agreements and Amalgamations that "active competition between railway companies of an extensive kind hardly any longer exists," and that "the closer association between particular railway companies is inevitable . . . . and in principle is not to be condemned," the corner in railway legislation has been turned, and that the public and successive Governments will recognise that facilities and the provision of accommodation in carrying out their business are at least as important to traders as a cut-throat competition in duplicated lines, and minute reductions of rates.

After referring to the early system of canals, and to the canal legislation, and to the difficulties attending the passage of railway Bills through Parliament, the reader continued:

There are probably no statutory enactments affecting railways which have been more discussed than sections 86 to 100 of the Railway Clauses Act, 1845. That railways were originally designed to be public highways, and free to all on payment of the prescribed toll appears clear from the provisions in railway Acts prior to 1845, and from the terms of section 92 of the 1845 Act. Although it is believed that Nixon's Company actually ran a train of coal to Swindon, and the Powell Duffryn Company made similar attempts to exercise their rights to haul their own traffic, yet, there being no provisions for safety, almost from their inception the necessities of the case and commercial convenience led the railway companies to perform the duties of haulage which they were specifically authorised to do under section 86 of the 1845 Act. The position and rights of the trader to haul his own traffic or provide his own vehicles have always been of a somewhat doubtful character, and notwithstanding the case of the *Powell Duffryn Steam Coal Co.* v. *The Taff Vale Railway Co.* (L. R. 9 Ch. 331), where the courts refused to grant an injunction to give effect to the traders' rights under section 92 on the ground that they could not order the company to operate the signals, it was left for the recent case of *Spillers & Bakers* v. *Great Western Railway Co.* (L. R. 1911, 1 K. B. (C.A.) 386), to finally decide that a company is not under any specific statutory obligation to haul a trader's private waggons, and that the rights of the trader to provide his own waggons for his own goods, and call upon the company to haul and convey same, depend upon the circumstances of each case, the practice with regard to the particular class of traffic in the locality and the extent to which having regard to such considerations, he can persuade the Railway Com-

missioners that it is a reasonable facility to ask under the Railway and Canal Traffic Acts, 1854 to 1888. It has never been decided to what extent a trader is liable for damage or injury to property caused by his waggon or van being defective and unfit to run, but it is submitted that the true principle is that to the extent that the trader has the right to call upon a railway company to receive and haul his private vehicle, so there is an implied and correlative obligation on the trader to warrant that his vehicle is roadworthy, and that the onus of examination and repair is in the trader and not on the company.

Although the terms of section 89 of the Railway Clauses Act, 1845, which specifically preserve to the railway company such protection as a common carrier had or has under the Carriers Act, 1830, appear to have contemplated that the companies would step into the same position as stage coach and other public conveyance proprietors as carriers, yet from the commencement railway companies have only carried according to their professions, and except where they so hold themselves out under a companies risk note, they are not common carriers of any goods. By the terms of sections 2 and 7 of the Railway and Canal Traffic Act, 1854, a company was specially required to afford reasonable facilities for the carriage and delivery of goods, but is authorised to import into the contract conditions qualifying its liability subject to such conditions being of a reasonable—*i.e.*, not oppressive—character, and to the terms of the special contract being in writing and signed by the trader. The railway companies carry as common carriers under the company's risk notes, and in such cases undertake the full liability as insurers—*i.e.*, negligence or no negligence; also under the provisions of the Traffic Act, 1854, they issue owner's risk notes at reduced rates where the trader has a *bona-fide* alternative rate to choose from, and in consideration of his choosing to consign at the lower rate he absolves the company from all liability for loss, damage, deterioration, or delay, except where caused by the wilful misconduct of the company's servants. As wilful misconduct was in its terms, and according to decision of the courts (*Lewis* v. *G.W.R.*, L. R. 3, 2 Q. B. D. 195), clearly something more than even gross negligence, and practically amounted to utter recklessness, the difficulties of a trader recovering compensation under an owner's risk note were almost insuperable. For many years the companies treated each case more or less on its merits, and where they were satisfied they were dealing with an honest claim, and that there had been some degree of negligence on their part, they did not insist upon their strict legal rights, and were accustomed to pay many claims for which they were not legally liable. It is needless to add that the extension of such a course of honest dealing by the companies led the trader to claim that the terms of the risk note were too onerous, and although he continued to accept with alacrity every reduction in the owner's risk rates, he was equally pressing in his insistence on some modification of the terms. In 1909, as the result of conferences between representatives of the traders and railway companies, convened at the Board of Trade by Mr. Lloyd George, an arrangement was come to which has resulted in the form of the owner's risk notes issued by the railway clearing house being largely modified in favour of the traders. The onus of proof of wilful misconduct is still upon the consignor, but the companies accept liability for (*a*) non-delivery of any consignment properly addressed, except in case of accidents to trains or fire; (*b*) pilferage from packages in substantial wrappers not easily removable by hand, if the shortage of goods is pointed out on or before delivery; and (*c*) misdelivery or loss of goods properly addressed where they are not recovered and tendered to the consignee within twenty eight days after despatch. As a kind of set-off against these concessions, the companies still retain the full protection of the owner's risk conditions where they can satisfy the onus of proving that the non-delivery, pilferage, or misdelivery have not been caused by the negligence or misconduct of the company's servants. The principle of (*b*) has been foreshadowed for many years in the South Wales colliery district, in a salutary rule that the county court judge will not consider a claim for death of a sheep caused by defective fencing unless it is shown that the carcase of the unfortunate quadruped was exhibited to the company's official at the time the claim was first notified.

It will be interesting to trace what effect these conferences, and the full consideration which the subject has thus recently received will have upon the much-debated practice of consigning goods under mark of almost all classes and description. Such goods are clearly not properly and fully addressed—in fact, in many instances, such as iron or steel bars and rods, they are not even marked, and the companies are put to the trouble and expense of tracing or attempting to trace goods to correspond with consignment notes under mark, which in many cases are only subsequently received. The practice undoubtedly causes enormous congestion, expense and delay to traffic, especially at transhipment or exchange stations, and although ostensibly it is supposed to be necessary in the interests of the trade to prevent one trader knowing where his competitor's good come from or go to, yet it is suggested that the whole difficulty would be met, and the trade secrets of the customers of the wholesale merchant amply protected, by a simple consignment to a station to the consignor's order, coupled with or followed by a delivery order addressed to the railway company, authorising and requesting them to deliver the particular goods to a particular receiver. In addition to the main distinction of company's and owner's risk notes, there are, of course, other special risk notes for particular goods, such as damageable goods not properly protected by packing, inflammable liquids, gunpowder, and other explosives, live stock, &c., all of which are entered into and signed by the sender under section 7 of the 1854 Act. It is interesting to note that whilst a company is not liable at all as a carrier of passengers, except for negligence, and in case of goods is only liable to the extent of his professions, yet he is liable as a common carrier for passengers' luggage, although he is entitled to the protection of the Carriers Act, and the passenger must not interfere with the exclusive control of the company over his luggage. A company may publish and enforce conditions as to the carriage of passengers, and such conditions must, as in case of goods, be reasonable, but instead of being signed by the passenger, it is sufficient if they have been brought to his notice. Thus a passenger cannot complain if there is no room for him when he attempts to join a train at a wayside station, but is entitled to call upon the company to find him a seat on his return journey from a terminus station by an advertised train—so a passenger without a ticket at all may be ejected, although probably he could not be successfully prosecuted for fraud under the Regulation of Railways Act, 1889, if he offers to give his name and address, and pay his fare. Other apparent anomalies exist, as, for instance, a collier has been awarded his day's wage under special circumstances where the advertised train failed to get him to his work in time to descend the pit, whilst a commercial traveller, although he cannot recover his loss of commission equivalent to the collier's wages, nor his hotel expenses, can get his personal expenses in searching for lost samples. So a departing passenger handing luggage to a porter to be put into a train can claim if loss ensues, but an arriving passenger giving his luggage to a porter to put in a cab and send home for him has no remedy. All these cases depend upon whether the railway servant is acting within the scope or apparent scope of his authority and in his employer's interest.

After referring to the intricacies of railway rates, and to the statute law on the subject, the reader said:

The joint effect of the Railway and Canal Traffic Acts of 1854 and 1888, and the Regulation of Railways Act, 1873, was to bring under the jurisdiction of the Railway Commissioners practically all the commercial operations of a railway, and there are few instances which can arise where a trader who thinks that he has cause of complaint cannot get redress. Neither is the machinery necessarily of a costly character. The trader may appear personally or by his solicitor, and if counsel be employed the fees, except, perhaps, in cases of special importance, compare favourably with other branches of litigation. The pleadings and interlocutory proceedings are simple and the decisions prompt, and marked by a broad application of commercial requirements to legal principles. The main distinction between the jurisdiction of the Railway Commissioners and the Common Law Courts with regard to rates is that at common law a litigant is not able to plead undue preference as a defence to an action for tolls, and that the company are entitled to judgment if they show (1) that the rates claimed are within their maxima; (2) that they have been duly published in the Rate Book; and (3) that the distance is correct. For the purpose of a conveyance rate as opposed to a toll, it appears unnecessary to prove that the mile-posts provided by section 94 of the Railways Clauses Consolidation Act, 1845, are in position. On the other hand, the Commissioners, having regard to all the circumstances of the case, may inquire whether the rates are fair as compared with rates charged similar traffic in other districts, whether proper facilities have been given for the conveyance of the traffic, and, if necessary, award damages if the matters complained of are brought to their attention promptly. The companies still have some shreds of self-government left. Subject to the 1894 Act and the jurisdiction of the Commissioners on undue preference, they may vary their rates and charges within their maxima. They may still vary their passenger fares within their maxima, and thus cater for the thousand and one demands of the public varying almost at every station, and certainly at every big centre of population. The Railways Bill introduced in April, 1912, for the first time seeks to subject these fares to the control of the Commissioners, and to impose upon the companies the onus of being called upon to justify any increase of those fares similar to that imposed with respect to goods and merchandise rates by the Act of 1894. It is at least doubtful whether the remedy will not be found to be worse than the disease, if disease there be, and there appears little justice in attempting to stereotype against the companies the lowest fares which have been given and treating them as the standard, instead of the fares fixed by Parliament. How any company is to justify an increase of an excursion fare by an increase of the cost of carrying that particular traffic is a puzzle which even the Statistical Department of the Board of Trade might find beyond them, and the inevitable result would appear to be that the fountain of facilities in the shape of millions of special fares for tourist, excursion, and other purposes which are applied for and granted almost daily will be dried up, and the public, the shareholders, and the wage-earner will all suffer. The companies may also, if they think fit, allow to become derelict and fall into disrepair unprofitable portions of their line, and pull down useless stations. The jurisdiction of the Railway Commissioners is limited in these respects to ordering facilities on lines open for traffic or existing stations. They cannot order the companies to construct works and expend capital in order to replace or make good abandoned works.

Before leaving the Railways Bill, 1912, on the question of rates, it is important to point out that this Bill, if passed in its present form, will revolutionise the work of the enquiry of 1888 to 1891, and the maxima rates which were then settled, and also in effect it varies section 7 of the Railway and Canal Traffic Act, 1854, with regard to reasonable conditions in risk notes. By section 6 of the new Bill it is proposed to enact

that the Commissioners may find it a withholding of facilities if (*a*) in the case of non-dangerous goods the company's risk rate is greater than the owner's risk rates than an amount sufficient to cover the difference in risk; (*b*) in the case of dangerous goods, the company refuse to carry at company's risk while being willing to carry at owner's risk. It will at once be seen that the effect of this section is to make the owner's risk rate the standard, and to add a small percentage for the difference in liability to the company between owner's risk and company's risk. In this way, as a large number of the owner's risk rates specially quoted to meet varying conditions and requirements are little more than one-half of the actual rate charged for company's risk, even when that company's risk is much below the maximum, the result will be to indirectly and by a side wind bring about a large reduction in maximum powers all over the kingdom. Whether such a reduction is required or justified may be a matter of controversy, but it may be submitted that there has been no public demand so far as is known for such a reduction, and if thought desirable it should have been preceded by a full enquiry, and carried into effect by direct rather than indirect means. It would be remarkable if it were not so eminently in consonance with business experience, that large and regular consignments of traffic have always justified lower rates over small and irregular traffic, perhaps between practically the same points, and this, notwithstanding the equality provisions in section 90 of the Railways Clauses Consolidation Act, 1845, which may be thought to have application to the line as a toll-bearing line, rather than to the companies as hauliers. A striking illustration of this is found in the coal rates in South Wales, where the shipment traffic, heavy and regular traffic principally in full train loads, is not only free of terminal, but the conveyance rate is some 25 per cent. lower than that charged on the inland works traffic. It is believed that similar conditions prevail in other districts, and the original Stockton and Darlington Act of 1821 contains an actual lower maximum for shipment coal than for inland coal—*i.e.*, ½d. per ton per mile for shipment coal, as against 4d. per ton per mile for other coal.

From the time that it was seen that the work of haulage had fallen into the hands of the railway companies, the question of the collection and delivery of merchandise as between one company and another, and between the company and a trader, necessarily became of vital importance. From the earliest times it was contemplated that one company should run over the lines of the other, and the earlier Acts contained specific charging power for that purpose. The Taff Vale Railway Act, 1836, section 133, empowers that company to charge a locomotive toll of ½d. per mile for hauling traffic over another company's railway. This section and other similar sections did not of themselves confer the running powers necessary for the purpose, which was and is done by agreement under the powers of the Railways Clauses Consolidation Act, 1845, or by a special Act. Section 87 of the Railways Clauses Consolidation Act, 1845, followed by section 22 of the Railways Clauses Act, 1863, provides for working agreements between companies, and these powers have been largely made use of to the eminent benefit of the community. The question of the exact rights of company and company or company and trader with regard to junctions and the interchange of traffic thereat is perhaps more difficult. By section 76 of the Railways Clauses Consolidation Act, 1845, owners or occupier of land adjoining the railway became entitled to call upon the company to make openings in their railway for the junction of branch railways brought from such adjoining lands, subject to the point of junction being not unreasonable, and the junction owner bearing the expense of maintenance of the offset points and switches. Parliament was, however, jealous to prevent these powers being used to allow a competing parallel line being made for considerable distances, perhaps, and then a junction claimed with the railway. This was the only statutory provision until the Railways (Private Sidings) Act, 1904, which enacted that the provision of private sidings should be included in the question of reasonable facilities under the Railway and Canal Traffic Act, 1854. The Act is silent as to terms, and it is therefore a matter for the Railway Commissioners, failing agreement, to settle in each case what would be fair terms. It is thought, however, that the broad principle is that whatever extra expense the railway company is put to in the working of its line either in points, signals, signal-boxes, wages, &c., owing to the presence of the junction should be borne by the siding owner, who so far as the railway is concerned pays a simple conveyance rate based upon mileage to the point of junction. By section 5 of the Railway Rates Order Confirmation Act, 1891, it is provided that a company, in addition to the conveyance rate to the point of junction, may charge a reasonable sum for services at or in connection with the siding performed for the trader at his request or for his convenience. No similar provision appears in any general Acts with regard to a junction between two companies, but neither is there any obligation at law for one company to run over another company's line, and it is at least doubtful whether the Commissioners have power to make an order to that effect. The position, therefore, appears to be that in the collection and delivery of traffic, whether at a point of interchange between two companies or at a private siding, the following considerations arise :—

(*a*) That the legal liability of the company is only to deliver and pick up the traffic clear of the junction points.

(*b*) That in practice it always has to do more than its legal liability imposes, and receives in respect of such additional service payment in meal or in malt.

(*c*) At a private siding it is paid in cash by the trader under section 5 of the 1891 Act or by agreement.

(*d*) At an interchange junction with another company it is paid in reciprocity of traffic or of services either at the particular junction or at some other points of contact between the two companies.

(*e*) Failing such reciprocity in service or traffic, the running company is entitled to be paid in the division of the through rate a fair sum for the service beyond the junction thus performed, and the owning company in its turn receives the balance of the conveyance rate applicable to the length of line run over by way of road toll.

After referring to the question of amalgamation and working agreements, and to the stringent nature of the Standing Orders of the Houses of Parliament on the subject, the reader said :

Perhaps a greater difficulty in the way of complete amalgamation of capitals may be found in the increase of stamp duties, for it seems that unless special exemption were obtained the Government would impose the full *ad valorem* duty of £1 per cent. upon the purchase price given to the absorbed company. It is difficult to understand upon what principle of justice such an imposition can be supported. It involves an unnecessary watering by creation of unproductive capital to pay stamp duty in respect of substituted capital issued in exchange for the equivalent capital of the amalgamated company. Such transaction simply amounts to a change of nomenclature, the capital which had already paid duty in the first instance remaining the same in all essential respects, but with another name. Mr. Russell Rea's Departmental Committee, by their Report issued in 1911, recommended that subject to the safeguards suggested by them "railway companies might safely be allowed in the main to exercise freedom in making such arrangements in their own interests, and in those of the public, as the development of railway operation might from time to time dictate," and that "the *bona-fide* transference of powers between individual companies should not be a matter requiring the consent of Parliament."

To give, presumably, a partial effect to these recommendations the Railways Bill, introduced in April, 1912, by the President of the Board of Trade, purports to contain in Clause 8 authority to railway companies to enter into working agreements between themselves somewhat on the lines of Clause 22 of the Railway Clauses Act, 1863, but freed from the restrictions contained in the 1863 Act as to the revision of such agreements every ten years by the court of the Railway and Canal Commission and other details of the machinery in that Act. To what extent the provisions of this Bill as it stands would be accepted as a satisfactory settlement of the question, either by the railway companies or the traders or the public, is a matter which is at least open to question, but there seems little doubt that the commercial world as a whole recognise that commercial undertakings like railway and dock companies must not in the stress of modern, and in some cases foreign, competition be too strictly tied down and prevented from taking such economic steps for the centralisation of management and the prevention of wasteful and duplicated expenses as the necessities of the case and their individual requirements may from time to time indicate as desirable. The requirements of the trader may, it is thought, be all included in the one word "despatch." The trader should recognise that the essential for despatch is efficiency, which can only arise from the provision of ample accommodation, not only in permanent works, but in an efficient staff, locomotive power, and general equipment. It is becoming more and more apparent that the railway companies are and will be seriously handicapped in the provision of such accommodation as the trade requires owing to the increasing difficulty and expense of raising the necessary capital for that purpose. Even important companies are now unable to raise capital at 4 per cent. It is suggested that the interests of the companies, their shareholders, the traders, and the workers are all identical in this respect. The interest of the company as a commercial undertaking is to give the most ample accommodation and facilities, both in the way of extension of branches, duplication of existing lines, enlargements of goods and passenger stations and warehouses, provision of docks, quays and other waterside accommodation, supply of locomotive power and an intelligent and therefore well-paid staff, as the exigencies of the trade in each district from time to time show to be required. It is equally to the interests of the trader himself that the company should be recompensed for the service of transportation on such a basis as will enable them to pay a fair wage to the staff, both clerical and uniform, and to raise on reasonable terms on the security of the balance of revenue the capital necessary for the purposes of the undertaking. If the carrier be inadequately remunerated, efficiency suffers. It is to the interest neither of the public, the shareholders, nor the wage earner that this should happen. It is believed that future legislation will tend in this direction.

Mr. Riley (Manchester) expressed his admiration of the paper.

Writs Relating to Heritable Rights.

Mr. W. Boyd Anderson (Glasgow) read a paper on this subject, which we hope to print hereafter.

Mr. Cross (Manchester), Mr. T. C. Young (Glasgow), and Mr. S. H. Clay (Sheffield) spoke in appreciation of the paper.

Trade Marks.

Mr. M. J. Riley (Manchester) read a paper entitled "Trade Marks: Rights by Priority of User," which we hope to print hereafter.

Mr. Frank S. Pritchard (London) read a paper on

The Admiralty Court and Division of Loss.

After tracing the history of the jurisdiction in Admiralty and the statutes under which it has now become vested, in effect, in the Probate, Divorce and Admiralty Division, the reader said :—

The common law of England has always diverged from the principle of the division of loss, and to so great extent that it would not allow contribution between tort feasors (*Merryweather* v. *Nixon*). There has been diversity of judicial opinion as to whether this rule is a just one, but the House of Lords, in *Palmer v. Wick* and *Pulteneytown Steam Shipping Co.*, declined to extend it to the jurisprudence of Scotland, and Lord Herschell said: "I am bound to say that it does not appear to me to be founded upon principle of justice or equity or even of public policy which justifies its extension to the jurisprudence of other countries." The High Court of Admiralty, however, did apportion the loss between joint wrongdoers, and there are similar provisions in many maritime codes. In the laws of the Oleron it is provided that if a ship at anchor be damaged by a ship under way the damage is to be equally divided, but the master and crew of the vessel that struck were bound to swear that they did not do it wilfully. The reason given for this division was so that an old decayed vessel might not be purposely put in the way of a better vessel. A somewhat similar provision occurs in the Code of Wisby, a town in Gottland, that flourished in the thirteenth and fourteenth centuries.

According to Mr. Marsden's work on collisions at sea (sixth ed.), the first case where half damages were awarded was in 1614, and the same learned author refers to a number of other cases in which there was a division of loss sometimes where the defendant vessel was alone in fault, sometimes where the loss was uncertain, sometimes also where no fault was found in either ship, and sometimes where both vessels were to blame. In 1815, however, there came the case of the "Woodrop Sima," which was an action brought by the owners of the brig "Industry" against the "Woodrop Sims" for damages occasioned by a collision between the two vessels, by which the "Industry" was totally lost. The "Woodrop Sims" was found alone to blame for the collision, and it did not become necessary to make any division of loss. The case, however, is most important by reason of the dicta laid down by Sir William Scott, afterwards Lord Stowell. After stating that the case was one in which the loss of a ship had been occasioned by two vessels running foul of one another, he stated that there were four possibilities under which an accident of this sort might happen:—(1) Without blame on either vessel, when the misfortune must be borne by the party on whom it happens to light. (2) Where both parties were to blame, when the loss is to be apportioned between them equally. (3) By the misconduct of the suffering party only, when the sufferer must bear his own burden; and (4) By the fault of the ship which ran the other down, when the injured party would be entitled to an entire compensation from the other. According to this authority, the only instance in which there is a division of loss is where both parties are to blame, and in that event the loss is to be equally divided. The decision received the approval of the House of Lords in *Hay* v. *Le Neve*, where the Court of Session upon a report made by the Rear-Admiral commanding at Leith, Sir John Beresford, who thought that one of the wrongdoing ships was more to blame than the other, apportioned the damages two-thirds against the greater and one-third against the lesser delinquent. In the House of Lords that judgment was varied by dividing the damages equally. From this time forward there has only been division of loss where there is negligence on the part of both colliding vessels, and up to very recent times the loss in this country has been divided equally.

In 1861 an attempt was made by the owners of cargo on board the brig "Lindisfarne" to recover the whole of their damages from the owners of the "Milan," with which the "Lindisfarne" had been in collision, notwithstanding the fact that both vessels had been found to blame for the collision. Dr. Lushington, however, only awarded the owners of the cargo one half of their damages, and based his decision on the general Admiralty rule, and stated that he apprehended the Court of Admiralty to say: "You, the innocent owners of cargo, proceeding against one only of two delinquent ships, shall recover only half your damages, because we can affix to the vessel proceeded against only half the blame, and you shall be left with respect to the other half of your loss to your remedy against the owner of the other vessel, which we hold to be equally delinquent." It is interesting to note that at the time of this decision the case of *Thorogood* v. *Bryan*, which held that a passenger was so far identified with the carriage in which he is travelling that want of care on the part of the driver would be a defence to the driver of the carriage which directly caused the injury, was law. Dr. Lushington expressly declined to base his decision on the authority of that case, and in fact threw doubt upon its correctness. This doubt was amply justified, as in 1887 the Court of Appeal in the "Bernina," held in an action brought under Lord Campbell's Act, that the representatives of the second engineer and a passenger on board the "Bushire" (neither of whom was responsible for the navigation of that vessel), and who were drowned in consequence of a collision between that vessel and the "Bernina," could recover damages against the owners of the "Bernina," although both vessels were to blame for the collision. The court also held that as actions under Lord Campbell's Act were not Admiralty actions, the rule as to division of loss did not apply. This decision was upheld by the House of Lords. The collision between these two vessels also gave rise to a judgment of Mr. Justice Butt that the owners of the cargo of the "Bushire" could recover the whole of their damages against the owners of that vessel, notwithstanding their vessel was only partly to blame, on the ground that the action being one of breach of contract and not for tort was not governed by the Admiralty Court practice as to the division of loss.

The effect of this rule in the High Court of Admiralty was that for many years a plaintiff might recover a different quantum of damage according as he commenced his action in the High Court of Admiralty or the Common Law Court. This divergence was abolished by the Judicature Act 1873, sec. 25, sub-sec. 9, of which provided that in any cause or proceedings for damages arising out of collision between two ships, if both ships are found to have been in fault, the rules hitherto in force in the Court of Admiralty, so far as they had been at variance with the rules in force in Court of Common Law, were to prevail. After this Act came in force, no matter in what court the action was brought, the same principle as to division of loss was applied. The decision in the "Milan" was acquiesced in for over forty years until the year 1908, when an attempt was made to overrule it by the owners of cargo on board the "Tongariro," which had been lost by reason of a collision with ss. "Drumlanrig," both vessels being admittedly to blame for the collision. In an action for limitation of liability by the owners of the "Drumlanrig," the cargo owners of the "Tongariro" entered an appearance and claimed against the fund, not only a moiety, but the whole of their damages. Sir Samuel Evans held they were only entitled to a moiety, and this decision was upheld by the Court of Appeal and subsequently by the House of Lords. The argument put forward by the cargo owners shortly was that in Admiralty no imputation of blame was ever made against an innocent owner of cargo nor any kind of identification with a negligent ship. That though those ideas formerly existed at common law, they were finally extinguished by the House of Lords in the "Bernina," when it was decided in cases for loss of life that the whole of the loss was to be recovered and that the same principle should be applied to innocent owners of cargo. That if the restriction to half the loss was a rule of practice within the meaning of the Judicature Act, it was not a sound rule. It was, however, held that the rule laid down in the "Milan" was a rule in force in the High Court of Admiralty at the time of the passing of the Judicature Act, and accordingly prevailed over the common law rule. An interesting instance of the working out of the Admiralty rule was the case of the "Hector," decided by the Court of Appeal in 1883, which arose out of a collision that took place between the steamships "Hector" and "Augustus." In that case the Court of Appeal found that the collision was caused by the fault of the crew of the "Augustus" and the pilot of the "Hector." As the "Hector" was in charge of a pilot, by the compulsion of law her owners were held not liable for any portion of the "Augustus's" damages, but her owners were held to be so far affected by the negligence of the pilot, who was not their servant, that they could only recover half their loss from the "Augustus."

Complications sometimes arise in the application of this rule where one of two vessels is in tow of a tug, and either the tug or the tow is in collision with a third vessel. Where the third vessel or the tow is alone in fault no difficulties arise, as either the owner of the third vessel or of the tow are liable for all the damages, and the tug owners are not liable. Where, however, the third vessel is free from fault, and the tug and tow were both negligent, the owner of the third vessel is entitled to judgment against both set of owners for the whole of the damage jointly and severally. "Avon" and "Thomas Joliffe," 1891, p. 7. When, however, the tug was damaged by a third vessel and all three vessels were held to blame, Sir F. H. Jeune held that the owners of the tow were liable for half the damages of the third vessel, and the owners of the third vessel were liable for half the damages to the tug. The "Englishman" and "Australia," 1894, p. 239. The tow was not in collision, and her liability to the owners of the third vessel depended on the relationship of master and servant existing between her and the crew of the tug. After the damages had been ascertained, the owners of the tow (the "Australia") applied for an order that the owners of the third vessel, the "Ada," should, on being paid the amount of damages recoverable under the judgment, execute in their favour an assignment of the judgment. The application was made under section 5 of the Mercantile Law Amendment Act 1856, which provides that a co-debtor should on payment of a debt be entitled to an assignment of the judgment or security held by the creditor, and it was contended that the owners of the tug and tow were co-debtors. This application was refused, on the ground that the owners of the tug and tow were no co-debtors but joint tort feasors, and that therefore there could be no contribution between them. In this case, as in "Avon" and "Thomas Joliffe," the court did not divide the damage sustained by the third vessel as between the owners of the tug and tow. Where, however, by reason of a collision between two ships for which they were both to blame a third had been injured, and judgment had been obtained by the owners of the third vessel against one of the wrongdoing vessels, her owners were held entitled to recover a moiety of the damages they had paid from the owners of the other wrongdoing vessel. "Frankland," 1910, P. 161. Where the relationship of master and servant does not exist between the tug and the tow, and the whole of the governing power is in the tug, the owners of the tow are not affected by the negligence of the tug. This is evidenced by the case of the "Quickstep," 15, P. 196, where a hopper barge in tow of the tug "Quickstep" was in collision with the steamship "Charles Dickens" by reason of the joint negligence of the "Quickstep" and the "Charles Dickens." The Divisional Court, Sir

James Hannan (as he then was) and Mr. Justice Butt, held that the navigation was in the hands of the master of the tug and those on the barge could do nothing to avoid the collision. That, under the circumstances, the relation of master and servant did not exist between the tug and the tow, and the owners of the tow were not liable for the negligence of the tug; and in 1910 the House of Lords in the case of the "W. H." No. 1 held a hopper barge which had been in collision with a moored lightship not to blame where it was in tow, although its tug was negligent.

Another very important case is the "Devonshire," which was decided by the House of Lords on the 19th July last. The plaintiffs in that case were the owners of the cargo on board the dumb barge "Leslie," which was in tow of the tug "St. Wilfred" when the "Leslie" came into collision with the "Devonshire." In an action against the "Devonshire" that vessel and the tug "St. Wilfred" were held both to blame, but notwithstanding this the President (Sir Samuel Evans) held the owners of the "Leslie" entitled to recover their full damages from the "Devonshire." This decision was upheld by a majority by the Court of Appeal. Lord Justice Fletcher Moulton pointed out that the sub-section of the Judicature Act, which has been referred to, only related to a collision between two ships which had been held in fault. That in this case the collision was between the "Leslie" and the "Devonshire," one of which (the "Leslie") had not been found to blame, therefore the Admiralty rule had no applicability. This decision was upheld unanimously by the House of Lords. The result of the various decisions appears to be that only the owners of the ship and of goods on board her are affected by the negligent navigation of that vessel.

The principle of dividing the loss equally where both ships are to blame, though practised in Great Britain and the United States of America, was not adopted by other important countries, who adopted one of the following principles: (1) Apportioning the loss according to the respective blame attaching to each vessel. (2) Allowing the loss to rest where it falls. Considering the enormous value of shipping and the endless international complications likely to arise in consequence of such divergences, it was felt by eminent jurists of various countries that it would be desirable to have an international agreement on the subject, and as far back as 1895 the late Dr. Raikes read a paper before a conference of the Association for the Reform of and Codification of the Law of Nations, held at Brussels, pointing out the divergence of the practice adopted by the various countries. From time to time conferences were held and attended by eminent lawyers from the various countries, when the advantages of agreement were urged, and at length the various powers attended a conference held at Brussels in 1909, when a convention was drawn up and annexed to a protocol dated 5th October, 1909. This convention proved *inter alia* that if one or more vessels are in fault the liability of each vessel was to be in proportion to the degree of fault respectively committed, provided that if it was not possible to establish the degree of respective faults or the faults are equivalent the liability was to be distributed equally. Subsequently another convention was signed at Brussels, with an additional clause relating to the liability of owners when the ship is in charge of a compulsory pilot. In accordance with this convention the Maritime Conventions Act was passed, and this provides for the loss to be divided in proportion to the degree in which vessel is in fault, and if it is not possible to establish a different degree of fault the liability is to be apportioned equally. Since that Act came into force there have been two cases in the Admiralty Division of the High Court where the loss was divided otherwise than equally, viz.: (1) The "Rosalie," where the plaintiffs were condemned to pay 40 per cent. and the defendants 60 per cent., and (2) The "Sargasso," where the plaintiff had to pay one-third and the defendants two-thirds. The Maritime Conventions Act has other important provisions; it imposes in accordance with the provisions of the above-mentioned convention, *inter alia*, a time limit in respect of actions to enforce a claim or lien against a vessel or her owners in respect of any loss by another vessel or any goods or persons on board or in respect of salvage service, and abolishes the presumption of fault which hitherto attached to a vessel that broke any of the regulations for preventing collisions at sea, and also gives a remedy in rem in respect of claims for loss of life and personal injuries. These provisions, however, I must leave to be dealt with by other and more experienced persons, as they are outside the scope of this paper, which, although it only touches the fringe of the subject with which it purports to deal, is already too long.

The PRESIDENT spoke of the paper as an admirable *précis* of the law on the subject.

Mr. JACKSON (Hull) and Mr. MARSHALL (Newcastle) also spoke.

Mr. EDWARD A. BELL (London) read a paper on

LEGAL PROFESSION (ADMISSION OF WOMEN).

After suggesting that the Bill recently before Parliament to enable women to become "barristers, solicitors, or Parliamentary agents," should be amended by the addition of patent agents and notaries, and enumerating the various occupations to which women have already gained admittance, the reader continued:—

As the result of recent inquiry I have been informed that there are no less than 20,000 women carrying on the profession of attorneys at law in the United States. A great number of women in the United States of America also follow the vocation of notaries and, I believe, patent agents. As factory and workshop inspectors, women even now professionally conduct legal proceedings under the Factory and Workshop Acts in the British police courts, and, I have been credibly informed, with marked ability. Further, quite recently the daughter of a present member of Parliament for a Welsh constituency acted as her father's *ex officio* Parliamentary agent, and gained the election for him. Again, during this month a lady appeared as a registration agent in a London court before the revising barrister. Yet again, in Australia, a lady occupies the official position of Judges' Associate. Let me pause here and bring out a point which I think is most material for the consideration of solicitors when discussing this question. I find on reference to the Solicitors Act, 1843 (6 & 7 Vic., chapter 73, section 48), which Act controls all subsequent Solicitors Acts, that the Interpretation Clause of this Act of Parliament distinctly provides "that every word importing the masculine gender only shall extend and be applied to a female as well as a male." Now, I venture to assert that in law the interpretation of this Act gives women sound legal grounds upon which to support their claim to be admitted upon the Roll of Solicitors. It is on record that a lady has applied to the Law Society to be allowed to qualify for such admission; her application, however, was refused. I do not think any appeal to the law courts was made in this particular case. If such an appeal were ever made in any other case it would be a matter which would require an exceedingly refined judicial power of interpretation to read out of an Act of Parliament what I submit is a clear enactment enabling duly qualified women to be enrolled as solicitors. I would urge upon members of this Society that the Bill which this resolution purports to support does not enable *any* woman to get on the Rolls; they have to render themselves eligible by good character and education and competent by qualifying examinations, which are by no means easy. Further, they have to present themselves for examination at the Law Society in London where they can be seen by their examiners, and as part of their qualification (in this men should not be excepted) their demeanour and deportment can be taken into consideration.

If women who have qualified themselves for the unromantic, serious and responsible profession of a solicitor, calmly and decorously request the responsible authority of this honourable Society to be allowed to become solicitors, why should that request be refused? So far as the profession is concerned, there is nothing improper or inexpedient in allowing competent women to become solicitors. Why should woman be prevented from developing her life along the lines for which her particular capabilities may fit her, and in which she is most interested, thus depriving the State of her services in any profession in which she may be fitted by nature and/or education to excel? I can hardly bring myself to believe that there is an underlying and unexpressed opinion—a selfish and timid attitude of mind—that the profession is overcrowded already. This could not be so when every man who is qualified is allowed to become a member as "of course." No doubt it has occurred to members present that the opening of the ranks of the legal profession to women may possibly have a sobering effect upon those of our advanced women who possess great mental ability and impetus—which, if employed in the calm and secluded shades of a serious profession, would result in the utilisation of talents and abilities which might otherwise be wasted. Then there has been urged what I may call the "domestic" or "dulce domum" argument—that woman's position in society is domestic, as opposed to forensic, using that word in its strict and literal sense; that her mission is within doors and not out of doors, not in the market place, but in that more sacred and tranquil interior of which the hearth is the altar and the shrine. It comports neither with her physical nor mental stamina, nor with her special social uses, to abandon the part of the assiduous and orderly housekeeper, the vigilant mother, the obedient and helpful daughter, the gentle and humanising sister, and so on.

This argument was used against the admission of women to certain other professions where she is now installed, and where duly qualified women have taken up positions which, it is now admitted, they adorn and intensify by their ability.

After bringing forward further considerations in the same sense, the reader concluded:—

To deal with the whole matter in a single sentence, the enfranchisement of the sex, the force of modern circumstances, the progress of public opinion, the example of other civilised communities and the acknowledged average mental equality of women and men if they be trained for any particular calling, render the admission of women into the ranks of the legal profession a matter of time only. Granted these facts, I venture to assert on the ground not only of expediency, but of justice, that the Law Society, which has long been one of the pioneers of legal reform, should through its Representative Council support the Bill when it again comes before Parliament for the removal of the existing archaic and unjust restraint upon the admission of qualified and competent women into the ranks of the legal profession.

He moved "That this meeting approves the principle that sex shall cease to be a bar to entrance to the legal profession, and calls upon the council of the Law Society to support the Bill about to be laid before Parliament enabling competent women to practise as barristers, solicitors and parliamentary agents."

Mr. R. ELLETT (Cirencester) said that he went with Mr. Bell to the extent of saying "that there are many women who would make better lawyers than some male lawyers that I know," but he did not agree that that disposed of the question. If females were to be admitted to the profession, the step must be authorised by the Legislature, for the word "persons" in the Solicitors Act was interpreted to mean male persons. If ladies were to be admitted, it would be necessary for

the council to support a Bill with that object. He asked if the proposition was in the interest of the profession. He had never heard that there was any lack of solicitors. The public could not be said to have demanded the change. And it was not in the interest of women themselves that they should enter so laborious a profession. The president had already referred to the smallness of the incomes of solicitors, and pointed out that in many cases they were absolutely insufficient. If women were admitted it would obviously tend to reduce the remuneration. Their great faculty of continuous speech would fit them better for the bar, and when the benchers had admitted them to that branch of the profession, it would be time to admit them as solicitors. He thought the question had hardly arrived at a stage for serious consideration. Mr. Bell spoke of a Bill that was to be introduced into Parliament, and when that was done it would be time enough to consider whether it should be supported.

Mr. J. W. REID (London) thought the matter entirely premature at the present moment.

Mr. C. E. LONGMORE (Hertford) said he was a whole-hearted supporter of the claims of women in this respect. Thousands of pounds were spent in educating women, and when the time came for them to put their exertions to some advantage they were shut out. He hoped they were not going to be afraid of the competition of women.

Mr. J. H. JONES (Gloucester) moved "The previous question," and the motion was carried.

Mr. HUGH RENDELL (London) read a paper on

THE FUTURE OF FAMILY TRUSTS.

After some preliminary remarks on opposition to the present system of settlements and the effect of recent fiscal legislation, particularly that creating settlement estate duty, he said :—

Returning to the movement concerning Trusts, we find that the more conservative of the reformers who were anxious to improve the system rather than to destroy it have taken advantage of the increased public interest in trusts aroused by a series of sensational cases of misappropriation of trust funds to pass three Statutes which have for their object the imposition of some sort of judicial or official supervision over trustees and trust estates. Their first venture was the Judicial Trustees Act 1896, which enacted that on the application of an intending settlor or a trustee or a beneficiary the High Court the Palatine Court, or any of certain County Courts might in its discretion appoint an official of the court or some other approved person to be a judicial trustee of the trust either jointly with any other person or as sole trustee, and if sufficient cause was shown in place of all or any of the existing trustees, and the Act proceeded to make certain useful provisions for an annual audit of the trust accounts and also as to the payment of a salary to the judicial trustee. The Judicial Trustees Act was not a success, partly because of the expense attending the necessary application to the court and partly because the idea found little favour with the public at large, whose feelings on the subject appear to have been in some degree shared by the Bench, Mr. Justice Kekewich deciding in *In re Ratcliff* (1898, 2 Ch. 352) that the court had the fullest discretion to appoint or refuse to appoint a judicial trustee and that it should not do so if it considered that such an appointment would be contrary to a testator's manifest intention. Again, in *In re Martin* (1900, W. N. 129), the same judge decided that it was not desirable that a judicial trustee should be appointed to act jointly with a private or gratuitous trustee, and in view of the opposition of the majority of the beneficiaries and the cost to which the estate would be put over the business he refused to sanction the appointment of a judicial trustee in this matter. The next step on the part of the reformers was not primarily a legislative one. Following a practice which originated, I believe, in the United States and the Colonies, they advocated the appointment of a bank or an insurance company, or some other corporation, as trustee of a will or settlement, either alone or jointly with one or more private trustees. This suggestion not unnaturally received a warm welcome from the institutions in question, as in addition to the remuneration charged by them for acting as trustee they had reasonable expectations of securing collateral advantages in the shape of additional banking or other business of a profitable nature, and most of the banks, both public and private, have issued pamphlets stating the terms on which they are prepared to act as executors and trustees. To enable limited companies and other corporations to hold real and personal property jointly with another, as they would be required to do in cases where such companies or corporations were not sole trustees of a will or settlement, it was found to be necessary to pass the Bodies Corporate (Joint Tenancy) Act 1899, for before the passing of that Act, as explained in *In re Thompson's Settlement Trusts* (1905, 1 Ch. 229), companies could not hold property in joint tenancy. In practice a bank is now not infrequently appointed as a trustee of a settlement, particularly in cases where the trust property consists of stocks and shares or where the settlor is not desirous of troubling his friends and relations to act as private or gratuitous trustees.

The crowning glory of the reformers has, however, undoubtedly been the passing of the Public Trustee Act, 1906. The Public Trustee Office has ever since it opened been an ever increasing success, the staff originally consisting of four clerks and a messenger being now increased to a total of 240 persons, while the increased bulk of correspondence is shown by the fact that the number of letters written by or on behalf of the Public Trustee during the last six months of 1907 was 4,751, while the number of letters written during the year 1912 was over 320,000, the fee income of the department being at the present time £40,000 a year, as against the £1,000 which was earned during the first financial year of the system. The value of the business negotiated by the department since its institution approximates to £70,000,000, and the increase in business has necessitated the erection of a large temporary structure in the garden of the Law Courts as an annexe to the offices at Clements Inn until the intended imposing building of nine floors has been erected in Kingsway to serve as the permanent home of this department. The popularity of the English Public Trustee Office is doubtless due in part to the novelty of the idea, but still more to the personality of Mr. Stewart, the Public Trustee, and to the up-to-date methods adopted by him, there being scarcely any method of advertising known to the commercial world of which he has not been able to avail himself. Colleagues of mine, not particularly sympathetic towards this latest development of bureaucracy, have admitted to me that after a personal interview with Mr. Stewart they have come away deeply impressed by his amiability and charm of manner. His versatility is amazing, he appears to be ubiquitous, and nowadays one rarely opens one's paper at breakfast without finding some fresh example of his zeal. Allusions to his department appear in the most unexpected places. For instance, some little while ago, happening to enter the kitchen at home, I picked up a copy of *Home Chat*, left there by one of the maids, and was amused to find on the front page a portrait of the Public Trustee and a series of paragraphs extending to nearly three pages, descriptive of his office and explaining that in his capacity of testamentary guardian of 384 infant children he had retained the services of a lady, whose photograph and pedigree were given, and that it was one of her duties to act as "official mother" to orphan wards, often visiting them and sending them presents of toys. It is no doubt particularly difficult for a solicitor to do justice to a department which relies to such a great extent on advertising, because not only does he belong socially to a class which, as the eminent journalist who writes under the *nom de guerre* of "Vanoc" in the columns of a popular weekly paper recently pointed out, has been so frequently impressed with the idea that any form of advertisement is in bad taste that the country is in danger of losing valuable assistance through not hearing its counsel above the babel of loud-voiced demagogues, but also because silence and privacy have ever been amongst the most cherished traditions of the solicitors' profession. It was hardly to be expected that a young department like that of the Public Trustee should avoid one or two errors of judgment, such errors arising, however, in most cases more from an amiable desire to please everybody than from any vital defect in the system. To take one instance. Every practitioner knows the rather bad half-hours when he has to dissuade peppery military gentlemen, anxious to increase the income of the widow of an old comrade, from converting trust funds committed to their charge from the beautiful simplicity of the three per cents. into the shares of a company dealing with rubber or oil, and the Public Trustee, who is admittedly a very human individual, is anxious that trust funds committed to his charge should be made to bear as high a rate of interest as is possible, having regard to the limited nature and number of securities authorised by law for the investment of such funds. With this object in view, the Public Trustee for England and the Public Trustee for Ireland have both issued recommendations to trustees to invest their trust funds in securities producing well over 4 per cent. In the case of English trusts the field available for investment is strictly limited, and from an individual standpoint little exception can be taken to the list of investments published by the English trustee, but in the case of Ireland the recent Land Acts having contained much wider provisions for the investment of funds representing the purchase money of settled land, the Public Trustee for that country has issued a list of stocks recommended for the investment of such funds, which, in the opinion of Sir Felix Schuster, the eminent financier, contains securities which, although possibly quite suitable for investors who use their own judgment and are willing to take a certain amount of risk, are certainly not such as have hitherto commended themselves to prudent trustees for the investment of the funds entrusted to them. In making these statements in the course of his address to the shareholders of the Union of London and Smith's Bank (Finance, Commerce and Shipping Supplement of the *Times* newspaper of 23rd July, 1912), Sir Felix suggested that the functions of the Public Trustee for England had developed in certain directions which he did not think were contemplated when that office was created, his last report disclosing a tendency to seriously interfere with the legitimate business hitherto carried on by bankers, brokers, solicitors and other agents, and he pointed out that the recommendation to trustees to acquire securities bearing a high rate of interest was injurious to the public at large, in that it tended to decrease still further the value of Consols and similar gilt-edged stocks. In fairness to the Public Trustee, however, it should be pointed out, first, that it is extremely difficult to distinguish between the functions which exclusively appertain to the callings of bankers, brokers and solicitors and those incidental duties which have been assumed by them from time to time as off-shoots from their business, and can be equally well performed by the Public Trustee or anyone else, and that at any rate, as regards solicitors, the Public Trustee for England has continually, both publicly and privately, declared that his office is in no way intended to interfere with the duties of the family solicitor, who will be retained and consulted by him on all legal matters relating to the trust. It is, of

course, evident, however, that as time goes on applications by the Public Trustee to a solicitor for advice will become less frequent, that official being qualified by training and experience to decide numerous questions that would puzzle any private lay trustee of ordinary intelligence. Secondly, in reference to the suggestion of Sir Felix Schuster that as a Government official the Public Trustee is not well advised in making recommendations tending to lead to the further depreciation of Consols and other like stocks, it should be borne in mind that the Public Trustee for England has on several occasions expressed a praiseworthy intention of regarding himself rather as the servant of the parties who seek his services than as the tool of the Government which has created him, as, for instance, when he publicly declared his intention, in view of the confidential nature of his functions, of not complying with the requirement of a circular issued by the Income Tax authorities to trustees, solicitors and others requiring details of the funds under their management and control.

The most formidable objection to the appointment of the Public Trustee is that, like a good many other admirable things, it all costs money. Certainly the appointment of the Public Trustee costs considerably less than the appointment of a judicial trustee by an order of the court under the cumbersome procedure provided by the Act of 1896, and I am not going to suggest that the fees of the Public Trustee are, under the circumstances, in any way exorbitant, but I merely venture a prophecy that the system of voluntary trusts which has worked so smoothly in England for the last two or three hundred years will continue to flourish, and that men will still be found willing to accept the trusts imposed upon them by their relations and friends in consideration of like services rendered to other members of their family, and confident that their friends will perform the same good offices for them when their turn comes. This readiness to accept, without fee or reward, what is often a heavy responsibility, and necessarily involves a certain amount of time and trouble, is a pleasing and I believe a distinctive feature of our English home life, it being the practice of American trustees to receive under the same circumstances a commission based on the annual income derived from the trust property. Probably the readiness with which trustees undertake their duties in this country is in great measure due to our national aptitude for working for nothing, which a kindly critic of our manners and customs has recently declared in an American magazine to be one of the most unique and charming of our national characteristics, shared as it is alike by the Lord Lieutenant of a county and a boy scout, rather than to the undue influence of a widow's tears and a funeral glass of sherry and a biscuit, as was once alleged by Mr. Birrell—I was just going to say the late Mr. Birrell, for it is sometimes difficult to recognise in the measured utterances of the Chief Secretary of a distressful country the voice of one of the wittiest and most genial legal lecturers of our time. Another advantage to be gained by the appointment of private individuals as trustees—though perhaps not one to be too loudly proclaimed—is that in cases where circumstances have arisen since the date of a settlement or will rendering it advisable that they should do so, such trustees can, at the request of their cestuis que trustent, take upon themselves the responsibility of committing breaches of trust, as for instance by the unauthorized advance of a portion of the trust funds to a beneficiary for the purpose of his business, such a beneficial breach of trust sometimes laying the foundation of a man's career and raising him from the position of a mere dependent to that of a capable and responsible citizen. Such a course of action could not, however, be followed by a public trustee on his own responsibility, and even if he were to go to the court he would not obtain the requisite authority, for the court would be compelled to have regard to the settlor's expressed intentions and not to extraneous circumstances. In the case of certain trusts, as for instance where one or more of the trustees is continually travelling abroad, or where the nature of the trust property renders it necessary to have one trustee, at any rate, who is always accessible, it may be necessary to appoint as trustee some professional man such as a solicitor, a stockbroker, or an accountant, and to insert in the settlement or will the customary professional remuneration clause. Even, however, in a case where the remuneration clause is the widest that the ingenuity of a conveyancer can devise, the cost of administering the trust will probably be less expensive than the cost of the retainer of the Public Trustee, plus the solicitor's and broker's charges, the only additional advantage to be gained by the appointment of the Public Trustee, namely, the Government guarantee of his fidelity, finding its virtual equivalent in the selection of a professional man of known integrity and substance. It may, however, come as a surprise to certain members of the public who believe that in the matter of trusts the lawyers "have a finger in every pie," to learn that the greater part of the trust property of the country is vested entirely in private or gratuitous trustees, and that in many cases trusts are managed for thirty or forty years without reference to the family solicitor, whose advice is only sought on the occasion of the death of an annuitant or life tenant or a claim for death duties or the like. It is almost inevitable that occasionally differences of opinion should arise between trustees and beneficiaries, such difference being often chiefly attributable to the fact that the trustees, who were intimate familiar friends of the father and mother, have for some reason or other found themselves unable to keep in touch with the rising generation. Such differences of opinion are often the source of great unhappiness to all parties concerned, the trustees, annoyed at what they regard as the ingratitude of the young people, losing their tempers and creating suspicion by a stubborn refusal to supply the applicants with proper information, while the beneficiaries too often retaliate by clamouring about defalcations and invoking the aid of the Court of Chancery, or nowadays the Public Trustee. In cases where trustees feel themselves the subject of suspicion, and also in cases where the trust property is of a complicated nature, it is often advisable to arrange for an annual audit of the trust accounts by an independent firm of chartered accountants of repute, to be approved of by the beneficiaries—such audit only costing a few guineas a year and including the vouching of all receipts and payments by the trustees and the inspection of the trust securities or the entries in relation thereto in the bank books in cases where the securities are stock transferable only in the books of the Bank of England or some other bank.

The paper contained some observations on the possible extension of the functions of the Public Trustee, so as to become a poor man's lawyer, and in conclusion the reader said:—In any case I do not regard the growth of the business of the Public Trustee Office as any indication of a feeling of suspicion or hostility towards the members of the legal profession, for I am convinced that the average man of intelligence fully recognises that, go where he will throughout the length and breadth of the land, he will in every city, town and village find lawyers who quietly and unostentatiously, and often for scanty reward, are doing their best to promote peace, and not discord, among families, and to redress the wrongs of those who are unfairly dealt by and those who are oppressed.

Mr. G. W. Edwards (Liverpool) suggested that ordinary trustees should be paid and should receive the same scale of remuneration as that enjoyed by the Public Trustee. This he thought would help to prevent the encroaches of officialism.

Banquet.

In the evening a banquet was held at the Park Hall, presided over by Mr. Ivor Vachell. In proposing the toast of "The Law Society," he said that it had now nearly 10,000 members, and it was regrettable that there were any absentees from membership among solicitors. The society was the bulwark of the profession, and it should be strengthened in membership and influence.

The President of the Law Society, in responding, said he believed that the society performed satisfactorily a most important function in legal history. It represented the whole profession, and he believed it possessed the confidence of the whole of the solicitors of the kingdom. Great as were their objects, they could do nothing without the support of the Law Society and without the support of the rank and file of the profession throughout the country. He then proposed the toast of "The City of Cardiff," which was acknowledged by the Lord Mayor and Mr. T. North Lewis. Mr. Trower (Vice-president of the Law Society) submitted the toast of "The Provincial Law Societies," Mr. A. Tarbolton (Manchester) responding, and the final toast was that of "The Chairman," proposed by Lord Pontypridd.

WEDNESDAY'S PROCEEDINGS.

Mr. H. Kingsley Wood (London) read a paper on

The Insurance Act.

After referring to the work involved in launching the National Insurance Act, to recent decisions on it, and observing that the true test of the Act as a workable and effective piece of legislation has yet to come, and that test will probably take place during the next twelve months, the reader said:

During the next few months the delicate and hurriedly built administrative machinery will have to bear a heavy strain, for a nation has to be drilled into duties foreign to it, if not to others, compulsory contributions have to be collected by the enforcement of an almost incredible number of rules and regulations, and very few persons, with the best intentions, can possibly obey them all. It is apparent that any effective active resistance to the measure has failed, but certain refusals to comply with the statute on legal grounds are now the subject of proceedings. The attempt to establish a contract between the citizen and the State by virtue only of an Act of Parliament is certainly a startling proposition, and is based, as far as facts are concerned, on the allegation that the Chancellor of the Exchequer cannot "deliver the goods" according to agreement.

The gravest ground for complaint is the alleged inability to provide "sanatorium benefit." The Astor report stated that a reasonable provision for the treatment of tuberculosis would be one bed for 5,000 of the population in the United Kingdom, and that to secure effective treatment 9,000 beds in sanatoria are immediately required, and that 9,000 beds in hospitals should be available from the outset, together with 300 dispensaries. This is an estimate for insured and non-insured persons, and it is impossible to say that provision anywhere approaching this has yet been made. "Sanatorium benefit" is, however, by the Act defined as "treatment in sanatoria or other institutions or otherwise when suffering from tuberculosis." Such benefit need not, therefore, be, as popularly supposed, treatment in a sanatorium only, but may be, under the provision "or otherwise," at a patient's house, in an open-air school or at a hospital. Again, no person can claim sanatorium benefit as a right, but, under the terms of the statute, only when "the insurance committee recommends the case for such benefit." It is therefore impossible for an insured person to allege that he has not received this particular benefit under the Act unless, the insurance committee having recommended him, he has failed to receive such

benefit as may be prescribed for him. Such benefit is consequently not legally dependent upon the erection of certain sanatoria or the provision of a number of beds, and could be legally satisfied by certain treatment being provided at an insured person's own home.

The other principal contention in this connection is in relation to "medical benefit," and again it has been alleged that the State will be unable to give the benefit for which it exacts contributions. The present attitude of the medical profession to the Act is well known, and is apparently following the same course as the controversy in Germany, which has lasted for nearly thirty years, and which is still without prospect of solution. From a national point of view the Insurance Act would prove a crippled scheme with a hostile medical profession, and that for many reasons. One important instance can be found in relation to the impositions on the sickness funds in Germany, where even with the assistance of the medical profession it is found that in times of bad trade they serve certain persons as a sort of unemployment insurance. There is an hysteria in Germany known as "Pension Hysteria," so called because those who are not fond of work suddenly become possessed of a diseased craving for pensions at the expense of the insurance funds. The doctors are the first line of defence against malingering, and it would undoubtedly be found without their co-operation that the claims against the approved societies would be so unduly frequent and heavy as to threaten bankruptcy.

It would still, however, be possible to comply with the statutory provisions relating to medical benefit with the medical profession standing aloof. "Medical benefit" (to which an insured person is not entitled during the first six months) is defined as "medical treatment and attendance including the provision of proper and sufficient medicines and such medical and surgical appliances as may be prescribed by regulations to be made by the Insurance Commissioners." There is, however, a further clause which no doubt provides useful argument for the Chancellor of the Exchequer in dealing with the latest "unrest"—Clause 15—which empowers the commissioners to suspend the right to medical benefit to such persons and in such area as they may think fit, and to pay to such persons a sum equal to the estimated cost of medical benefit. Therefore, under this provision, there would appear to be no difficulty in satisfying the legal obligation of the statute, although it may be questionable whether the clause is wide enough if there were not a single area in which medical benefit was in fact given. The legal right of the medical profession to refuse to work the measure and certain pledges and other conditions laid down by them in connection with treatment of patients has lately been questioned on the ground that it amounts, it is stated, to a conspiracy by the doctors not to practise their profession. It is no doubt questionable whether this is an offence at all, but it is apprehended that what has occurred at the moment is only a refusal by the medical men to practise their profession or work the Act, except on certain terms. It is certain enough that a medical man can fix his fees, and recover them at law, and if the amount is not so fixed he can recover such sum as a jury may consider reasonable, having regard to his eminence and the distance he has to travel. Medical men have statutory obligations, it is true, such as the notification of certain infectious diseases and similar matters, but no such statutory duties are imposed as to compel them to attend specified persons at a certain fixed sum.

After referring to the position of post office contributors and other matters, the reader said:

The casual labourer has undoubtedly suffered, and many instances have been cited of his inability to obtain work unless when applying he could produce a stamped card showing the payment of both the employer's contribution and his own. This has meant in many cases the payment by him of both contributions. The method of collection of contributions has frequently been described as cumbersome and complicated, but no practical alternative, without a considerable increase in cost, has been suggested. The secretary of the General Federation of Trade Unions has stated that in his opinion the first effort of amendment must be in the direction of simplifying administration by the suppression of the separate commissions and valuations for England and Scotland, Ireland and Wales, and that "the creation of these was one of those stupid acts for which the House of Commons seems ashamed, for no member, either inside or outside the House, has sought to defend it on business grounds," and that four commissions mean "local prejudices," "racial hostilities," and setting "race against race." A Bill, it is understood, has been drafted at the instance of the Trade Unions to enable societies with a total membership of 5,000 and over in the four countries to be treated as one entity for valuation purposes, for the reason that the ultimate effect of separate valuations and separate commissions on trade unions having headquarters in England would be to force branches in other countries to cease their connection with the English Union. The appointment of these different authorities and officials is only one instance of many of the part officialdom and officials play in connection with modern legislation and particularly the Insurance Act. Another striking example is in connection with the administration of sanatorium benefit, which has to be administered by the insurance committee for the county or county borough, in conjunction with a district insurance committee, and the whole administration must be subject to the satisfaction of the insurance commissioners. It is, however, admittedly part of the duties of another department to concern itself with matters affecting public health. Regulations concerning the manner of domiciliary treatment of insured persons are accordingly entrusted to the Local Government Board. Again, it is recognised by the Statute that any scheme dealing with the problem of tuberculosis must be available for the whole community, and power is given for the extension of sanatorium treatment to the dependents of insured persons. In this case the sum available under the Act may prove insufficient, and two more authorities are introduced from whom money may be sought, the council of the county or county borough and the Treasury. Thus in connection with sanatorium treatment there are six sets of authorities in certain events to be consulted and satisfied, with all the consequent disadvantages of lack of promptitude of action and common trend of effort. Amendments would no doubt be of value eliminating these multiplicity of authorities and officials. Another amendment widely urged by approved societies also arises from the separation of the administration of the Act and the compulsory transfer of insured persons from one country to another. The Act provides that where a person moves, say, from England to Scotland he has to transfer to another society, or a different section of the same society, and his transfer value has also to be transferred. This difficulty will be greatly accentuated in border areas.

An amending Bill is probably imminent, inasmuch as it is now generally recognised that it is impossible for satisfactory terms to be arranged with the medical profession without fresh legislation. This will give an opportunity of a review of the working of the Act by Parliament in the light of present experience.

A discussion took place, the speakers being Mr. A. L. Samuell (London), Mr. J. Scott Duckers (London), and Mr. Martin (Reading), who said that as the Act was now in operation it was their duty as lawyers to assist in carrying it out so as to render it as beneficial as possible to the community at large.

Mr. J. S. Rubinstein (London) read extracts from a paper on

THE LAND TRANSFER PROBLEM.

Registration of Deeds or Registration of Titles.

PART I.

REGISTRIES OF TITLES.

After saying that the theme of his paper would be a serious protest against continuing the system of registration of title, and the advocacy of registration of deeds as the one reform still necessary to make our present conveyancing system complete, and criticizing at length the introduction of the compulsory system of registration of title, and the constitution and scope of the recent Land Transfer Commission, and other matters, the reader dealt with the allegations made by the Land Registrar in a paper read at the Building Societies' Congress last May under the heads of simplicity, delay, expense, and compulsion; and pointed out the defects as regards the first three points in the existing system of registration, and ascribed the introduction of compulsion to Lord Halsbury, whose conveyancing experience was exceedingly limited, and who had quite failed to realize the revolution in conveyancing effected by Lord Cairns' masterly Acts of 1881. He dealt at length with possessory and absolute titles, and criticised the registrar's preference for the latter class of titles, and his statement in the paper referred to: "After to-day any purchaser who puts up with a 'possessory' title does it with his eyes open, and by his own voluntary act, and I wash my hands of him altogether," and also his statement that representative landowners desired the compulsory extension of the system all over the country, and concluded the first part of his paper as follows:

The arguments I have adduced to prove the wanton futility and absurdity of the registration system force us to consider what our responsibilities are in the matter and what steps we can or should take to bring, in the interests of our clients, the present intolerable state of things to an end. In view of the answers given in Parliament, it is hopeless to look to the Privy Council to act on the powers they possess to revoke the order they made originally applying compulsion to London. There is, however, I submit, another way by which the matter could be adjusted—a way which, if adopted, would bring the whole edifice to the ground within probably twelve months. The registry, as we know, requires an income of £50,000 to cover its expenses. It would not, I believe, be difficult to satisfy the London property owners that they could safely carry out their transactions without reference to the registry. If they made up their mind to act on this view, the office would, I believe, come speedily to an end, and as a result the London property owners would be relieved for all time from the complications, worries, delays and expense of land registry officialdom. The question involved is whether or not a purchaser or mortgagee would, by adopting my suggestion, incur any practical risk. My own conviction is that he would not. I found my belief on the decision of the Court of Appeal in the Capital and Counties Bank *v.* Rhodes, to which I have already referred, and on other legal decisions. I also have in mind the case of a well-known society that bought an estate registered with an "indefeasible" title under the Act of 1862. They found their business so hampered by the official requirements that after a time they suggested to their allottees the expediency of accepting the society's conveyances without regard to the registry. Many of the allottees did so, but others deemed it necessary to register. I have never heard of an allottee who kept off the register suffering in consequence, but I have heard many bitter complaints from several of those who elected to have their titles registered. I will not here pursue the matter further, but I may, I trust, be allowed to express the hope that the Council of our society will see its way to

bring about a conference with other bodies representing owners with a view of deciding whether, for their mutual protection, something definite cannot be done on the lines I have indicated. The registrar should not be the only person left free to "wash his hands."

PART II.

REGISTRIES OF DEEDS.

In commencing the constructive part of his theme—the establishment of registries of deeds—the reader referred to simplifications in conveyancing effected by the Act of 1881, which Lord Cairns framed, and continued:

In contrast with the difficulties surrounding the questions involved in registration of title registration of deeds is simple in the extreme. It means exactly what it says: neither more nor less. All deeds are registered in a local public office. The work is purely ministerial, and consequently the expense of the office is very small. There are two counties in England—Middlesex and Yorkshire—that for the last two centuries have had deed registries. It has been the practice in these registries to register an abridged memorial of the contents of deeds, the fees payable on registration being 7s. 6d. in each case. In Scotland the plan is adopted of making complete copies of the deeds. I favour the Scotch method as supplying a permanent record of the whole title. This method would have the further advantage of furnishing the Valuation Department with the information they want and will have whether we like it or not. In the absence of deed registries the title deeds are the sole evidence of title. Like every other article that can be handled, deeds are liable to be lost, stolen or destroyed, and although these events may happen but seldom, when they do it is impossible to measure the difficulty and distress that may be occasioned. It is obvious that this difficulty and distress can be largely mitigated, if not entirely removed, if the existence and effect of the deeds are officially recorded, so that, in case of need, an owner deprived of his deeds can still prove his title. Again, registries of deeds are of the utmost value as a security against fraud. There is no means of preventing deeds relating to a particular property being duplicated, and, in the absence of a registry, there is and can be no quick and certain method by which the duplication of a document can be detected. The experience acquired by solicitors in investigating titles and inspecting the earlier deeds affords the necessary protection in almost all cases, but there is a certain risk, small though it be, that in exceptional cases a deed has been duplicated. When this happens the feeling of insecurity engendered reacts upon ourselves, and we are more affected thereby than any other class in the community. In Middlesex and Yorkshire, as well as in Scotland, frauds of this character are unknown. Clearly no one dare attempt the commission of a fraud that is bound to be immediately detected, it being the invariable practice where a registry exists to search the register prior to the completion of any transaction. The only objection that would appear to have any substance that can be urged against registration of deeds is the fact that a registry is open to anyone who cares to make a search, and in consequence a knowledge of matters that are of a more or less private nature can thus be obtained. This objection is, however, to my mind far more imaginary than real. We do not find in our experience that people have either the time or inclination to make speculative searches out of mere curiosity in relation to matters that do not affect them. I have never heard that landowners, in places where deed registries exist, have experienced any inconvenience or trouble. Further, we must bear in mind that in these days we have publicity in various matters, notably in respect of wills which disclose the most intimate concerns of the individual. I venture to say that in any case the advantages of registration far outweigh the drawbacks, if any, that may exist.

After referring to the history of registration of deeds and to the reports in favour of this system by the Royal Commission of 1850 and the Select Committee of 1878, and to a passage in the same sense in the report of the Land Transfer Commission, 1910, the reader continued:

I note a distinct sign of progress that at the present time a Departmental Committee on Imperial and Local Taxation is considering the question whether the profits of a local deed registry should be treated as properly payable to the Imperial or to the local authorities. It is exceedingly gratifying to note that the London County Council has in a memorandum of evidence submitted to the Committee expressed the opinion that the Middlesex registry service is essentially local in character, and that the surplus fees should in principle be applied to the relief of the rates. The Middlesex County Council has made a similar representation. It may perhaps be useful to indicate that in the administration of a deed registry the all-important thing is a thoroughly well-organised system of card indexing. Indexing in modern times has become a fine art. The old-fashioned manuscript index has become moribund and effete. There should be three indexes—one an index of the names of vendors, another of the names of purchasers, and a third of the addresses of the properties. These are obviously all that are necessary to give information of the state of title. In the case of a registry which had a county as the area of its administration, the property index would be divided into towns. In the case of a registry for London, Liverpool, Manchester, Birmingham, or other large towns, the property index would be divided into boroughs or parishes. If some such plan of registration of deeds as I have indicated were established throughout the country, with a complete copy of deeds and a thorough system of indexing, I think we should have made a long march on the road to satisfy the most exacting of faddists.

It may perhaps help us better to appreciate the value of deed registries when I mention that such registries are to be found in almost every civilized country in the world, including Australia and New Zealand, where the "Torrens" system is in operation. So far as I have been able to ascertain, it is only among the German-speaking nations that they do not exist. These countries rely on their special system of registration of title. We must remember, however, that with the Germans "Officialdom" and "Compulsion" are idols at whose shrine they worship. There is, however, I submit, no reason why we should emulate them in their idolatry. The view not infrequently expressed that solicitors are to be found in opposition to all measures of law reform has no foundation in fact. The papers that have for many years past been read at our provincial meetings, and to which I have had the privilege of contributing, prove that we are as alive as any section of the community to the urgent need for reform. We have condemned time after time the existing rules that regulate litigious proceedings as unnecessarily increasing the delay and expense of litigation. We would like to shorten the Long Vacation, and we would have it commence on the first Monday in August and end the first Monday in October. Our voice has been raised in favour of assimilating the law of inheritance to real property to that of personal property, so that in cases of intestacy the eldest son shall not be preferred to the widow and other children. We have maintained that a husband's present right to leave by will his property away from his wife and children should be restricted so that his duty to maintain them shall not cease with his death. Again, we have urged that under proper conditions copyholds should be abolished. We have favoured the claim of occupying lessees to have the right compulsorily to acquire the freehold of the premises they occupy. We would have the law strong enough to control all property owners from using their rights in a way that arbitrarily or oppressively affects those who hold under them. We would welcome any well-considered measure that would encourage small ownerships. Unfortunately, such measures as I have indicated have no attraction for the party politician engaged in the pleasing art of angling for votes. Recognizing that the bulk of the voters do not own, and are never likely to own, any property, he decides that such questions are to him of no value. To move the masses our mob-orators do not hesitate to provide stronger fare. They evolve new land policies and rave about the people's inalienable right to possess the land. Apparently they do not stop to consider the extent to which their appeals to the primeval predatory instincts of the masses may tend to demoralise them and the evils that may result in consequence.

It is reported of Peter the Great that he once said that there were only two lawyers in Russia, and that on his return to his happy country he intended to dispose of one of them. This interesting story has at times been gleefully retailed to each of us. It may not perhaps be true, but we can well understand that the existence of lawyers introduces a discordant note in the scheme of government that commends itself to despotic authorities. Their hostility can be traced to their recognition of the fact that it is the lawyers who are the one body in the community best able to protect the public from the tyrrany of officialdom—tyranny which, in keeping with the ever-increasing number of officials, is growing to-day by leaps and bounds. We are in the midst of a struggle to stop the State usurping, in the interests of officialdom, and to the detriment of the public and the property owner, the right of individuals to select duly qualified persons to do work that is purely personal. If the points in dispute were only understood there would not be the number there are who in their blind faith in officialdom—a faith which no revelations can disturb—desire to hand over every kind of work now performed by the individual to the tender mercies of a Government Department. The conclusions suggested by my paper include the following:—

(*a*) That the system of transfer of land by deed as finally settled by Lord Cairns' Acts of 1881 secures simplicity, security, and cheapness.

(*b*) That the alternative system of transfer by registration, which has been available in this country as a voluntary system since 1862, has been from the first and continues to be complicated, unsafe, and expensive.

(*c*) That having regard to the findings of the Commission that "the effect of compulsory registration of title in London has been to place a purchaser there at a disadvantage as compared with a purchaser elsewhere," and that the system is "imperfect," the Privy Council should, in simple justice, forthwith rescind the order applying compulsion to London, and so bring to an end an experiment which, during the last thirteen years, has seriously embarrassed property dealings in London and burdened owners to the extent of £50,000 per annum for the up-keep of the Registry Office.

(*d*) That the statement made by Lord Cairns in 1879 that the establishment of local registries of titles was "an enormous thing in this country and frightful to contemplate" accurately applies to the position to-day, and that any measure that may be introduced with the view to taking away from the county councils the right they at present possess of vetoing the establishment in their counties of local registries of titles must be strenuously resisted.

(*e*) That the fact that the Land Registry Office, although it has been in existence fifty years, has never succeeded in securing the confidence of property owners, and is to-day more distrusted than ever, proves

that it has failed to justify its existence, and that the time has come for abolishing the office.

(*f*) That registries of deeds are most valuable institutions, and that it is highly desirable that an Act should be passed empowering county councils to establish local registries throughout England and Wales.

(*g*) That the profits of the deed registries should be received by the county councils to be applied in aid of the rates.

In order to elicit the opinions of the meeting I beg in conclusion to move the following resolution :—

"That this meeting recommends the Council to convene at an early date a conference of the representative bodies and others interested in land and house property with a view to deciding on the expediency of taking concerted action for their mutual protection, and that such conference should in particular consider the following questions (*a*) Whether or not the time has come for bringing to an end the system of compulsory registration of title which has been on trial in the county of London as an experiment since January, 1899, and (*b*) whether or not it is desirable that county councils should be empowered to establish local registries of deeds throughout England and Wales, the profits of such registries to be applied in aid of the rates."

Mr. HUGH RENDELL, in seconding the motion, said that the solicitors were the only people who understood the subject, and he thought that any opposition to land transfer should be organised by them.

Mr. JOHN INDEMAUR (London) moved as an amendment "That this meeting thanks Mr. Rubinstein for his able paper on the land transfer problem, and requests that the Council of the Law Society will give it their attention, and take such steps (if any) as they may think advisable with regard to the matter. He said he thought that too much perhaps had been heard of land transfer for some years at these annual meetings, and that constant iteration might tend to defeat the object they had in view.

Mr. JAMES MACDONALD seconded.

Mr. IVOR VACHELL spoke in support of the amendment, and Mr. T. C. YOUNG in support of the motion.

Mr. MORTON (Liverpool) thought the proposals in the resolution most dangerous. The enforcing upon the community of a system such as that which used to obtain in Middlesex, and still obtained in Yorkshire would be a calamity. He did not believe that the system of registration suggested in the resolution would satisfy the Government or the public, and it certainly would not satisfy the profession.

Mr. BELL supported the amendment.

Mr. A. M. JACKSON (Hull) said that the Yorkshire method had proved most useful. He contended that there should be a registry of deeds upon that system, combined with the Scotch improvements. If they got this system, and carried it on, not for ten years, but for sixty years, they would have all the materials for a registration of title of the most favourable kind.

Mr. LONGMORE opposed the resolution, asserting that the County Council would unfailingly adopt any proposal that was likely to relieve the rates.

Mr. MARTIN (Reading) supported the amendment.

The PRESIDENT said the matter was constantly before the Council, and he suggested that they should be allowed to go on in their own way. He thought that Mr. Rubinstein would be well advised to accept the amendment. He did not think it was the function of the Society to convene a conference of other professions and trades for a matter of the kind. The Council had hitherto taken action on their own motion, and that was the wise course. The Council could not accept the resolution.

Mr. RUBINSTEIN would not agree to the suggestion. He said he must demur to leaving the matter to the Council, who themselves wanted educating on the subject, unless the Council would give an undertaking to take him into their confidence in future, and give him the opportunity of persuading them.

The amendment was then adopted.

Mr. FRANCIS NUNN (Colwyn Bay) read a paper on

A PROPOSAL FOR THE CREATION OF AN INNER CIRCLE IN THE PROFESSION.

After pointing out the responsibilities of solicitors, he said :

Now, a profession which as a matter of daily routine has responsibilities such as these ought to consist solely of men of the highest moral character, out of reach of any temptation to appropriate to their own use the monies which are entrusted to them, and above all desire to compete with each other unfairly. No effort is made to ensure this. If one is asked, "What must I do to become a solicitor?" the reply is simple. You must be articled to a solicitor for three, four, or five years and you must pass three examinations. You must pay fees totalling about £40 down and from £3 10s. to £9 10s. a year afterwards. Then you may put up your brass plate anywhere between Berwick-on-Tweed and the Land's End and make a living as best you can. You are a solicitor, one of some 28,000 no one of them any worse or any better to the outside eye than his mates. I believe I shall carry the meeting with me if I say that the present system has two serious defects. First, there is keen competition, manifesting itself in the soliciting of business and the acceptance of fees greatly below what the members of such a profession should be fairly entitled to. Secondly, there is no sort of guarantee that every solicitor whose name appears in the Law List is a man of substance and integrity, one to whom the public and his colleagues can with confidence entrust large sums of money.

It is these two defects of the system for which I venture to suggest a remedy, but before doing so I wish to direct your attention to the position in France of the analogue of an English solicitor. There is no exact equivalent. There are four officers to whom we have to go for what a solicitor only, in this country, is sufficient for. These are the Huissier, the Avoué, the Notaire, and the Avocat. The Huissier issues process for a debt or for damages or for a divorce. For litigious business you go to an avoué and to an avocat also. (But upon the avocat devolves much of the work that is with us undertaken by the solicitor.) In conveyancing (including such matters as a bill of sale or the registration of a joint stock company) you go to a notaire. Huissiers, avoués, and notaires are all amenable to Chambers of Discipline which have powers of control, censure, suspension, and removal, without, as a rule, appeal to the court. They also pay into court as security for the proper performance of their professional functions a sum of money varying according to the size and population of the district in which they practice. But even this is not all. Their numbers are strictly limited throughout the country. Of notaires there can be in a large city but one for every 6,000 inhabitants. In other towns, not more than five for each Arrondissement de Justice de la Paix. Even partnerships are not allowed, and the aspirant to the non-forensic side of the legal profession can only practise by acquiring a succession to an existing practitioner. You will readily see how entirely different is the position of our *confrères* in France to our own. We, it is true, are supposed to be "officers of the court." They actually occupy an official position in the country with a healthy monopoly, with no temptation to treat each other churlishly, amenable to a far more searching discipline than we, and in the position of having given hostages for their behaviour financially. I believe the German Rechtsanwalt and Notar (who between them perform the duties of the English barrister and solicitor) are much in the same position.

Now, I wish to draw a comparison between a body in England which to some extent exercises analogous functions to our own, namely, the London Stock Exchange. If a man wants to put a thousand pounds into real property, as the Americans say, it is convenient for him to entrust the cash to his solicitor for that purpose. If he prefers stocks and shares, he *must* entrust it to his broker. Now we know that there are solicitors to whom it would be unwise and unkind to entrust a large sum of money. Solicitors are a practically unlimited multitude, who have qualified by the acquisition of knowledge, coupled with a few years' clerkship, alone. But "Strait is the gate and narrow is the way" to the London Stock Exchange. The applicant has first to get a nomination which costs £70. Then he has to get three existing members, each of four years' standing, to become his sureties for the payment of £500 to his creditors if he fails within three years, and each of these sureties has solemnly to declare that he would accept the new man's cheque for £3,000. Then he pays for admission 500 guineas (or after five years' clerkship, half that amount). He must hold three shares in the concern, which means nearly £600, and he pays an annual subscription of 40 guineas. The total is about £1,200. This is not all. Once inside he is subject to the absolute control of the committee as to charges and conduct generally. No wonder that we cheerfully sign the transfer and send it with a cheque or the scrip to our stockbroker. Transactions with notaires in France in reference to sales and mortgages of real property and with avoués in relation to litigation have the same guarantee. Surely if our branch of the legal profession in England could be dealt with on the same lines as a French avoué or notaire or an English stockbroker a vast improvement would be effected in the status of the profession, which would not only be to its own benefit, but would be an enormous gain to the public at large. The Institute of Chartered Accountants has an inner circle. Only members of a certain standing can become Fellows—the rest remain associates.

Admitted that something ought to be done, what is it? I do not suggest that a Bill in Parliament should be promoted to place the profession, so soon as due regard to vested interests will allow, upon a more satisfactory footing as regards numbers, discipline, and financial stability. I do not do so because I do not believe the present Government or any future Government is likely to view such a Bill with the sympathetic regard which it certainly would be entitled to. Nor do I believe that the profession, constituted as it is at present, is capable of anything like that solidarity which the medical profession, in the city in which we are assembled, lately evinced. But yet I think that something remains, and that means could be devised, if the status of the whole profession is not to be raised, yet to create an inner circle which would command a measure of confidence which at present the profession at large does not and is not likely to enjoy. The constitution of that inner circle would require the most earnest consideration, and if I offer any suggestions I do so with the utmost diffidence. First : Solicitors only of a certain number of years' standing, three perhaps or five, should be eligible for it. Second : Each member would pay a moderate entrance fee and annual subscription. Third : He would deposit a sum of money, perhaps £500, on which he would receive interest, and which would be available for his creditors if he failed. Fourth : He should have two or more sponsors, solicitors, say, of ten years' standing, each of whom should make a declaration that he would accept the candidate's cheque for, say, £1,000. Fifth : He would be under an obligation to adhere loyally to whatever suggestions or directions the inner circle or its committee might from time to time make in regard to fees. Sixth : His books would be periodically audited by a chartered accountant of his own selection. Seventh : He would, of course, be at liberty, or perhaps obliged, to intimate to the public at large his membership of the new body, and therefore of his

compliance with their rules. Eighth: He would be subject to censure, dismissal or other discipline at the hands of the inner circle or its committee.

These proposals may, perhaps, be regarded as Utopian, as impracticable. I do not know what you think; but of one thing I feel sure, and that is that you can none of you regard the present state of affairs as ideal. The profession, while of recent years it has increased in quantity, has not improved in quality. Small as the percentage is, the number of defaulters is too high. A man should be able to entrust his business and his money to any solicitor whose name he finds in the list with as much confidence as he would place his money or his affairs in the hands of an avoué or notaire on the continent of Europe, or with a stockbroker anywhere. There should be no doubt of the ability to meet engagements, or of the loftiest motives in giving advice, and there should be no difficulty about the practitioner, who possesses the means, the education, and the character which these responsibilities entail, receiving adequate remuneration. There should be such a spirit throughout the profession as would make undercutting and all unfair rivalry unthinkable. That, as we are at present constituted, is impossible. A remedy, it seems to me, is the gathering together of the best elements in the profession into an inner circle, the members of which would be capable of a greater degree of solidarity, loyalty to their fellows, trade unionism if you like, and who would take a higher place in the public regard than is possible under existing conditions for the profession at large. I am much indebted for information as to the legal professions in foreign countries to Sir Thomas Barclay, Mr. De La Chapelle, and Mr. Harvey Clifton.

Mr. R. C. NESBIT (London) believed that the creation of an inner circle, as suggested, would be a most difficult and invidious matter. The society was itself an inner circle, and he urged that it should be strengthened by an endeavour to induce every solicitor to become a member.

The PRESIDENT, in the name of the Society, protested emphatically against many of the statements in the paper as being aspersions and reflections cast upon the honour of the profession. There were 17,000 solicitors on the roll, and the number of complaints that came before the Discipline Committee of the Council during the past year was only fifty-five, of which only five were considered to disclose practices resulting in the solicitor being struck off the roll. He asked what profession could show a better record? He declared emphatically that there was no profession—stockbroking or banking—and no business where the number of black sheep was as small as in the legal profession. It was unfounded statements such as these by members of their own profession which did such a deal of harm. Finally, turning to Mr. Nunn, he said: How dare you, Sir, cast reflections on the profession to which you belong?"

Mr. F. MARSHALL (Newcastle-on-Tyne) contended that the losses caused by fraud in Stock Exchange transactions far exceeded those brought about by the malpractices of solicitors. The profession had no need of an inner circle; all that was necessary was that the standard of the profession should be raised.

Mr. NUNN, in reply, asserted that cases of malpractice on the part of solicitors sometimes did not reach the Council, because the injured parties knew it would be futile to bring them forward.

LEGISLATION AFFECTING INEBRIATES.

Mr. JAMES W. REID (London) read a paper on this subject, which we hope to print hereafter.

Mr. SANDFORD D. COLE (Bristol and Cardiff) read a paper on

SAFETY AT SEA.

After referring to the loss of the "Titanic," he said:—

There can be no question of the necessity for legislative regulations with the object of ensuring, as far as possible, the safety of life and property at sea. We have, and for long have had, such regulations. It is their adequacy which is now in question; but, besides raising that question, recent events have emphasised the point that these things must be treated internationally. We realise more than ever before that the problem of safety at sea is an international one. In many different ways this comes out. To take only the question of wireless telegraphy—it is clear that precautions and provisions may fail at the critical time to be effective unless there is a common basis of agreement among all the principal maritime nations to bring about uniformity in the system and the arrangements to be adopted. It so happened that an International Conference on Wireless Telegraphy (the third of its kind) was held in London during June and July. In view of the loss of the "Titanic," the conference gave special consideration to the question of the use of wireless telegraphy for the prevention of disasters at sea, and, after full discussion, unanimously adopted a resolution in favour of the principle of compulsory equipment of certain classes of ships with wireless apparatus. Within the last few months many nations have adopted or strengthened regulations as to wireless equipment. In connection with the international aspect of the whole subject of safety at sea it is worthy of mention that unofficial, but none the less commendable, steps are being taken by the International Maritime Committee (whose headquarters are at Antwerp) to focus attention on the matter. The materials for a comparative statement are being gathered together in the shape of facts and representative opinions from all countries. It was due to the initiative of this voluntary association that the maritime powers adopted a Convention laying down uniform principles on the law of salvage and assistance at sea—a Convention to which effect was given in this country by the Maritime Conventions Act, 1911. An official international conference, with a view to the promotion of greater security, will doubtless be a matter involving a good deal of preliminary interchange of communications. It is understood that these are proceeding. Such a conference should certainly take place. It is one of the specific recommendations in Lord Mersey's judgment, after his exhaustive inquiry into the loss of the "Titanic," that (unless already done) steps should be taken to call an international conference to consider, and as far as possible to agree upon, a common line of conduct in respect of four or five leading points which he enumerates.

Besides the worldwide aspect of the problem there is the question of our national position, which, in view of our maritime supremacy, ought to be an international example. As to this it must unfortunately be admitted that things have not been as they should. In saying this reference is intended to be made to national regulations and not to national character. On the latter point we are unassailable. American criticism imputed cowardice to the British officers of the "Titanic," but when the facts came to be impartially investigated any such charges crumbled away. Lord Mersey found that, considering all the circumstances, the officers worked well and with no thought of themselves. But when we turn to inquire whether the responsible Government Department—the Board of Trade—had worked well, the answer is not the same. The outstanding circumstance, in the opinion of the Court of Inquiry over which Lord Mersey presided, was the omission of the Board of Trade during many years to revise the rules as to life-saving appliances. The Department had every opportunity of defending itself at the inquiry, and offered very lengthy explanations, but these were unconvincing. Lord Mersey said that there was "no excuse for the delay of the Board of Trade." This is a terrible judgment, and it is not surprising that great official activity has been manifested. Among other things, a Departmental Committee has been appointed to inquire into means to protect shipping from floating derelicts. This is a matter on which the Board of Trade has in the past shown itself impervious to the most pointed criticism. It has been bluntly condemned for its inactivity, but no sign of movement or response was manifest until the tragedy of the Atlantic stirred officialdom to its depths. Other steps taken include the appointment of a Committee to advise as to the internal sub-division of ships by water-tight bulkheads and other means, and another committee to advise with regard to methods of stowing, launching and propelling ships' boats, and other kindred matters. Various questions have also been referred to the standing Advisory Committee under the Merchant Shipping Acts, and in August there was issued a comprehensive report from that committee dealing with the whole question of safety at sea. While it was the loss of the "Titanic" which galvanised the Board of Trade into action, this report deals with many questions beside those recently forced into prominence. It is pointed out that the "Titanic" was a vessel belonging to a special and limited class, and that the circumstances attendant on her loss have little, if any, relation to life-saving equipment on the six or seven thousand British cargo vessels engaged in the home and foreign trades.

The recommendations of the Advisory Committee have been fully summarised in the press, and it is sufficient to mention here that, while dismissing suggestions as to the use of searchlights and the use of binoculars by look-out men, they considered that the International Regulations for Preventing Collisions at Sea should be altered so as to include the known vicinity of ice at night among the circumstances in which a moderate speed should be obligatory. The committee also made recommendations as to the manning of ships' boats and boat drill, and as to wireless telegraphy and several other matters. Although the report of the Advisory Committee deals with the problem in many points of view, it by no means exhausts them. It is remarkable how many incidental questions have of late been scrutinised in their safety aspect in consequence of what has occurred. Thus it is alleged that our laws as to calculating net tonnage of steamships are at fault, and in particular that they are an obstruction to the promotion of safety of ships of the cross-channel class. It is stated that an increase in port charges, following an increase in the net tonnage figure, would result from the carrying up of the watertight bulkheads to a point which would make these ships more seaworthy. Thus the ship-owners who would desire to provide safer ships are penalised by the tonnage laws. Despite some recent tinkering, our tonnage laws are eminently in need of thorough revision. Another point involving safety to which attention has recently been called is the desirability of an international understanding—based on due consideration—as to the carrying or not carrying or the regulation of deck loads.

There are many other matters to which reference might be made, such as load line, shifting of cargoes, &c., to say nothing of such questions as the language test and over-insurance, but perhaps enough has been said on the many-sidedness of the question of safety at sea. There is ground for hope that better conditions will be evolved out of all that is happening. Besides the adoption of amending legislation and the revision of regulations, we have to think of their due observance. The inquiry into the loss of the "Oceana" added some lessons on that point to what we learned from the "Titanic." There is every indication that greater strictness will prevail in the carrying out of precautions in future, and the chief point now is to ensure the suitability of the requirements of the law. To that end it is absolutely essential that the steps to be taken should be international.

Mr. J. Scott Duckers (London) read a paper on

THE EFFECT OF THE INSURANCE ACT ON ACCIDENT AND COMPENSATION CLAIMS.

In this paper it is proposed to consider one section of the National Insurance Act which has not attracted much attention, although it involves substantial changes in the law and procedure relating to accident and compensation claims. This is section 11. At present a workman suffering from an injury or a disease the result of accident may claim :—

I. For injury : 1. Under the Workmen's Compensation Act, 1906, against his employer for half wages (not exceeding £1 per week) during incapacity in practically any case in which the injury by accident arose out of or in the course of his employment, or (2) under the Employers' Liability Act, 1880, for damages (not exceeding three years' earnings) in cases of negligence falling within certain limited classes, or (3) at common law for damages (unlimited in amount) against the employer where there has been personal negligence on his part and/or against a third party for the negligence either of himself or his servants, and/or (4) for statutory penalties under the Factory and Workshop Act, 1901, s. 136; the Coal Mines Regulation Act, 1887, s. 70, or the Metalliferous Mines Regulation Act, 1872, s. 38.

II. For disease : (1) Under the Workmen's Compensation Act, against his employer for certain scheduled industrial diseases, or (2) at common law against the employer and/or a third party where the disease can be proved to be due to improper conditions of work or the carrying of infection through negligence.

After the 13th of January, 1913, we shall have to add to this list the right to claim under the National Insurance Act, 1911. The chief benefits provided by this Statute are to be : (1) sick pay, 10s. a week for 26 weeks (7s. 6d. in the case of women); (2) disablement pay, 5s. a week to the age of 70; (3) maternity benefit, 30s. for each confinement; (4) medicine and surgical appliances; (5) medical benefit; (6) sanatoria.

The first point to be considered is the extent to which the new benefits will be either alternative or in addition to rights under the existing law, and on looking at the commencement of the section we see that the only item to escape the net of the Parliamentary draftsman has been the right to sue for statutory penalties. With this quite unimportant exception all rights existing at common law or by Statute are alternative to the new provisions so far as sickness and disablement benefits are concerned. A man cannot have, say, workmen's compensation at a pound a week *and* also another ten shillings for sick benefit, though if the amount due under the Workmen's Compensation Act comes to less than ten shillings a week he may have sickness or disablement benefit to the extent of the difference. On the other hand, an insured person will be entitled to medical treatment, drugs, surgical appliances, sanatorium and maternity benefit in addition to anything recoverable under the Workmen's Compensation Act, the Employers' Liability Act, or at common law.

At present the usual practice of friendly societies is to pay sickness benefit, &c., without any regard to a member's rights against his employer or anyone else, and there is nothing in the Insurance Act to prevent this practice being continued in respect of any optional insurance over and above the amount for which a workman is compelled to insure under the State scheme. The difficulties which are likely to arise under this section would, no doubt, have been avoided if the previous practice had been continued, and when the matter was being discussed in the House of Commons the Labour Party made a determined attempt to get the insurance benefit additional to compensation or damages under the existing law. This was resisted by the Government on the ground that it would impair the financial stability of the scheme, and on this point a special report was made by one of the Government actuaries. When the Act has been in force for three years, and a valuation of the approved societies has taken place, societies showing a surplus may, if the members thereof so choose, declare additional benefits, and among such benefits may be the payment during sickness or disablement in addition to whatever compensation or damages may be recoverable. However, in the meantime it is necessary to deal with the Act as it stands.

The first difficulty will be to decide when an insured person has "received or recovered or is entitled to receive or recover" damages or compensation. These words are more precise than those in section six of the Workmen's Compensation Act, where it is provided that a workman shall not be entitled to *recover* both damages under a legal liability as well as compensation under that Act; but, not only has it been necessary to resort to judicial interpretation as to the meaning of the word "recover," but there are other cases showing that under the Workmen's Compensation Act, at any rate, it is a question of fact whether, when a man has received compensation and signed receipts, he understood the nature and effect of the receipts which he had so signed. By analogy we may assume that if the acceptance of insurance benefit is held to bar a subsequent claim for compensation or damages it will be necessary for the tribunal to decide (1) whether such benefit was in fact paid; and (2) whether, in the circumstances, the insured person knew that by accepting such benefit he was electing to claim under the Insurance Act and to give up whatever other rights he might be entitled to. An infant will probably be entitled to escape the effect of any disadvantageous choice under the Insurance Act just as he may with regard to his election of remedies under the present law.

On the other hand, if the injured person prefers to take compensation or damages certain matters have to be inquired into either by the society (if he belongs to an approved society), or the Insurance Committee if he is a deposit contributor. In the case of a weekly payment there is not much difficulty, for, if the amount is equal to or greater than the sickness or disablement benefit to which he would be entitled, the man simply gets nothing from the insurance scheme, while, on the other hand, if the compensation is less (say 8s. a week against 10s. sickness benefit) he will be entitled to the difference so as to make up the total of 10s. For this purpose sums received as sickness or disablement benefit from any additional insurance effected by the injured person are not taken into consideration, but a man will be entitled to receive them in addition just as he can do at the present time. In the House of Commons certain words were inserted to make it clear that this choice applies only where there is the right to claim in different ways in respect of the *same* injury or disease. Apparently, if a man who is laid up with a broken leg for which he is receiving workmen's compensation contracts typhoid fever he can claim sickness benefit as well.

A more serious difficulty will arise if, instead of drawing a weekly sum by way of compensation, the injured man either recovers a lump sum as damages at common law or under the Employers' Liability Act or the amount of his weekly compensation is disposed of by agreement or redemption under the Workmen's Compensation Act. In that case the weekly value of the lump sum may be determined by the society or committee so that the injured person cannot claim on the insurance funds until the expiration of the time for which he has been compensated. The Act does not state how the society or committee shall proceed for this "determination" or what principles are to be applied, but it does provide that if the insured person is aggrieved by such determination the matter shall be settled in the manner provided by section 67 of the Act for the settlement of disputes. This is : In case of a dispute with a society—under the particular rules with an appeal to the Insurance Commissioners; or, in case of dispute with an Insurance Committee—in "the prescribed manner" by the Insurance Commissioners.

Up to the present time the Insurance Commissioners have not prescribed or indicated the manner, and in omitting to provide one clear definite plan for dealing with all disputes the Government have missed an opportunity of putting an end to a good deal of useless technicality and unsatisfactory procedure by friendly societies and trades unions. In theory it seems a good plan to have those disputes, which must inevitably arise, settled in a more or less friendly manner by arbitration according to rules settled by the members themselves, but the plan of allowing every single society to lay down a procedure of its own and to leave such substantial power in a committee or court which has no appreciation of the value of evidence and shuts out from its proceedings the healthy sunlight of publicity is not so satisfactory in practice.

The following examples will illustrate : A doctor called to examine an injured man and stated that he did so on behalf of the employer. The man objected to be examined until he had seen me to know if it were all right. The doctor then said that he was also one of the doctors for the sick club, and would have the man put out of benefit unless he submitted there and then. The man stuck to his refusal, and was not examined until a few days later, when I had made the necessary arrangements. In the meantime his society money was stopped, on the ground that he had refused to be examined, and when it was explained that the doctor had, in fact, made an examination, the secretary replied that it was an examination on behalf of the employer with which his society had nothing to do. The man had refused to be examined by their doctor, and that was the end of everything as far as they were concerned. After lengthy correspondence the judicial machinery of the society was set in motion, and a committee appointed to decide the dispute. Under the rules no legal assistance was permitted, but the claimant could have a benefit member of the society to act on his behalf, while another rule provided that all witnesses were to be heard. Accordingly, when my client and I appeared before the committee, he explained that I was there as a witness and not as a solicitor. This was considered at great length, and finally someone

suggested, and the chairman ruled, that the provision about benefit members governed the one about witnesses, and that therefore no witness could give evidence unless he were a benefit member. On this ruling we withdrew, and, as the committee never came to any decision within forty days, we proceeded in the county court under one of the provisions of the Friendly Societies' Act. In another case a man, after subscribing for twenty years to a trade union, got some lime in his eye on a large contract job in the North. After lying for two or three days in one of the navvy's huts he was taken away to hospital, and then got a nurse to write to his union in London. The letter reached the secretary on the fourth day after the accident. The man's eye had to be removed, and a subsequent claim for disablement pay was met by reference to a rule which stated that notice of an accident should be given "where practicable" within three days. The man appeared in person before the committee, and urged as well as he could that, being unable to read or write, and in a place where writing materials were difficult to get (beside being in great pain), it was impracticable for him to have sent notice earlier than he did. The committee ruled against him, and later on a county court judge refused to interfere with the decision, on the ground that it had been come to within the scope of their jurisdiction under the rules. A similar case with the same union was subsequently taken before justices instead of in the county court, and the decision of the committee upset. After all, for reliability and fair trial none of these amateur tribunals compare with the ordinary methods of a court of justice. Anything which they may save in expense of upkeep or advocacy is as nothing compared with the satisfaction which even an unsuccessful litigant has after a fair trial in open court by a judge or magistrate for whose authority he feels respect.

Originally, it was proposed to make void all agreements for the settlement of workmen's compensation claims unless the consent of the society or committee were first obtained. Ultimately this clause was abandoned in favour of a provision requiring every employer who makes with a workman an agreement either (*a*) for compensation at a rate of less than 10s. per week, or (*b*) for a lump sum settlement, to send particulars within three days to the Insurance Commissioners or to the society or committee concerned. Employers who neglect to fulfil these requirements will be liable, apparently, to the fine of not exceeding £10 which by section 69 of the Act is reserved for those who are guilty of any contravention or non-compliance with this portion of the Act. The powers of the county court registrar with regard to the recording of agreements and inquiry as to the adequacy of amount are extended to agreements for weekly compensation, and a recent judgment in which the Court of Appeal decided that registrars had no such power is thus set on one side. The way in which an injured workman will regard the Act will be dependent largely on the amount per week he can receive under the present compensation law. Well-paid members of friendly societies will probably enforce their rights against employers quite as much as they do at present, for 10s. a week sickness benefit, even with the other advantages, will be no equivalent to what can be obtained under the existing law. But different considerations will apply to persons of a poorer grade, and probably to the majority of those who will come under the Post Office portion of the scheme. A man who earns 20s. a week when in ordinary work will do as well with 10s. sickness benefit as he would by claiming half wages under the Workmen's Compensation Act. Therefore, he is likely to follow the line of least resistance on to the insurance funds rather than have controversy with his employer.

On the other side, insurance companies dealing with workmen's compensation will assist this process by repudiating liability whenever they think it safe to do so. Some great and good companies may be above the repudiation of genuine claims, but the competition to keep down losses is so great that few offices can regard claims from any other point of view than what they are likely to cost. If payment can be avoided by denying liability, it will not be unnatural if that course is pursued. A man once came to my office from the claims department of a large insurance company. One of his relations had been knocked down in the street, and he wished me to undertake the case. There was a neat bundle of correspondence and notes of interviews. It looked an excellent claim. "Very well," I said, "and who are these numerous and highly respectable witnesses you have been telling the other side about?" "Oh," he replied airily, "there arn't any really, you know. I was just dealing with this case like we do the ones at the office." This difficulty has been foreseen and to some extent avoided by a provision that if any insured person appearing to be entitled to compensation or damages unreasonably refuses or neglects to take proceedings to enforce his claim it shall be lawful for the society or committee concerned either: (1) At their own expense to take proceedings—in which case the society or committee will run the risk of being ordered to pay costs; (2) withhold payment or benefit, or (3) to pay benefit by way of advance pending the settlement of the claim for compensation or damages. It is thought that the last-mentioned will be the most likely course for general adoption in actual practice. Friendly societies and insurance committees will have quite enough to do without conducting litigation for other people at their own expense. Withholding of sick benefit will cause trouble and dispute. Therefore, benefit will be given by way of advance, to be repaid if and when any compensation or damages shall be obtained. As notice of any settlement must be given, there is a much better chance of recovery than otherwise would be the case. But it is evident that the receipts should state clearly that benefit is being received by way of advance, and that it is to be repaid if the insured person receives or recovers compensation or damages in respect of the same injury or disease. Otherwise, by accepting insurance benefit, the injured person may be held to have relinquished his rights under the present law, or if he does in fact recover anything, it may not be possible for repayment to be enforced.

Mr. J. A. Howard Watson, F.R.G.S., F.R.Hist.S., F.R.S.Lit, (Liverpool), had prepared a paper, which in his absence was taken as read, on

The Office and Jurisdiction of the Lord High Admiral.

After referring to Saxon and Norman kings, and to the introduction of the Code of Oléron by Richard I., the reader said:—

The reign of Edward III. saw the initiation of the Hundred Years' War, and that martial monarch, appreciating our insularity, turned that natural feature to profitable account by organising his fighting forces on sea and winning the naval battle of Sluys in 1340. This date practically marks the birth of the Navy, but it remained for the Tudor sovereigns, two centuries later, to place it on a firmer basis by wresting the supremacy of the sea from Spain, when the celebrated Lord Howard of Effingham was the Lord Admiral. To return to the civil aspect of the movement. Edward I., the English Justinian, was not too occupied with the wars to neglect the laws of his kingdom, and thus we find him turning his attention to the sea, and appointing a high officer of State, variously known as "the Admiral" (which is derived from the Arabic word, inverted, Amir or Emir, meaning a chief or leader) and as "custos maris" or "locum tenens regis super mare." The first holder of the office was William de Leybourne, in 1286, but in Edward I.'s reign three or four admirals were appointed, each more or less temporarily, and during the King's pleasure, to supervise different portions of the coast, such as the North, West, &c. The Cinque ports always had one for themselves, and to this day possess their own Lord Warden. The office increased in importance until Henry IV.'s half-brother, Sir Thomas Beaufort, was appointed for life sole Admiral of England and Ireland and also of Aquitaine and Picardy (for these considerable portions of France were then still English dependencies). The actual title "Lord Admiral" appears to have been conferred or used in Henry VIII.'s reign, but, unlike most, if not all, other high State appointments, there seems to have been nothing to prevent the reigning sovereign (who, of course, is himself head equally of the Navy as of the Army) from leaving the office in abeyance, or appointing the holder for life, or for any less period, and, until some eighty years ago, there was no fixed rule or practice in this respect; thus, sometimes, the reigning sovereign retained the office himself; sometimes he put the office in commission, and occasionally, made the office an entire sinecure, by an appointee, too young, or wholly ignorant of the duties; but in general the appointment was reserved for a near relation of the reigning sovereign, it being considered the best appointment in the gift of the Crown, and it not being considered at all derogatory to the dignity of the Lord High Admiral that his emoluments were mostly derived from prize of war, derelicts, salvage, &c. This remuneration, indeed, reached such large proportions (especially in warlike times) that, in Queen Anne's reign, Parliament made a bargain with her husband, Prince George, the then Lord High Admiral, by which all perquisites were surrendered and made accountable to the public funds, in consideration of an annual fixed income, which is now divided amongst the commissioners or Lords of the Admiralty. The duties of the Lord Admiral or Lord High Admiral were partly executive and partly judicial, and, in regard to the former, it fell to him to build, provision, and man ships of war and to appoint officers, until later times, when these duties passed into other hands.

The title of the Chief of the Admiralty was changed—though with slight variations—with bewildering frequency, so that since the time of the Commonwealth there have been only four "Lords High Admirals," so called; namely, the Duke of York, under Charles the Second; the Earl of Pembroke, under William of Orange; Prince George of Denmark, husband of Queen Anne; and the Duke of Clarence, under George IV.; but the last-named was controlled or assisted by a Council of State; whilst, since 1827, the office has constantly been in commission, which means that all such powers as were formerly vested in the autocratic Lord High Admiral, amenable to none but his sovereign, are now transferred to the Lords Commissioners of the Admiralty for exercising the office of admiral. In practice, the administrative powers are entrusted to the Admiralty Board, whilst the judicial powers, in civil cases, are exercised (since 1854) by the Admiralty Division of the High Court, which is still incongruously herded together with Probate and Divorce, the sole connecting link being their common connection with the old days of the civil law and the temporal and legal powers of the Archbishop of Canterbury.

The authority of the Crown, through its Court of the Admiral, to administer justice in cases of piracy, contraband, spoil, or offences committed on sea or in tidal waters was firmly established by Edward III.'s time, but it is clear that originally and for a long time the jurisdiction was only a criminal one. When the Crown began to depute its rights and perquisites, the right to hold a court also devolved on the admiral appointed, who invariably deputed these functions to a deputy, as judge, sometimes called the lieutenant, who was the appointee of the Lord High Admiral, and not of the Crown, until William and Mary's reign, when Lord Pembroke was appointed to the office, for life, by patent under the Great Seal. From this there inevitably arose an assumption or usurpation of jurisdiction, in civil matters, extending to a large variety of causes, and sometimes, where the cause of action arose, not, strictly, at sea. Such an extension caused dissatisfaction amongst the judges of the King's Court at

Westminster, who resented the intrusion of a competitor in their sphere of influence, and were not so immersed in their legal studies and duties as not to display human jealousy in regard to these encroachments. This culminated in two statutes: one 13 Richard II. St. 1 cap. 5, and the other an amending Act, Richard II. cap. 3, which closed the loopholes of the former, because it had been flouted by the Admiralty Court. In the next reign (Henry VI.) these Acts were followed by one which gave a right of action on the case, for damages, to any party who was aggrieved by proceedings in that court, in excess of its jurisdiction, or which otherwise were *ultra vires*. Again, writs of prohibition were frequently and successfully taken out to prevent the Admiral's Court from proceeding to hear and determine causes; and between 1389 and 1409 eight petitions were presented in Parliament against the Admiral, for similar reasons, all of which serves to show how virile the court had become, and how it held what it had.

The quaint preamble of the first recorded legislative effort towards keeping Admiralty pretensions in their place is of such interest as to be set out, possessing, as it does, the weighty, if sententious, approval of Sir Matthew Hale. "An Act concerning what things the Admiral and his deputy shall meddle with," recites that "great and common clamour had been made for that the admirals and their deputies held sessions, accroaching (*sic*) to them greater authority than belonged to their office, in prejudice of the King and the common Law of the Realm and in destruction and impoverishing of the Common people." It enacts "That the Admirals and their deputies shall not meddle from henceforth of anything done within the realm, but only of a thing done upon the sea, as it has been used in the time of our noble Prince, King Edward, grandfather of Our Lord the King that now is." From Richard II. to Henry VIII.'s reign the Deputy (*i.e.*, judge) of the Admiral exercised his judicial powers, but in the last-mentioned reign the jurisdiction was vested in Commissioners appointed under the Great Seal, one of whom, however, was the Admiralty Judge. Nevertheless, the conflict between this court and the common Law Courts as to the limit of Admiralty Jurisdiction was not terminated until, by an Act of William IV., the former's civil powers were defined and narrowed down to collision, piracy, salvage, bottomry, &c., and wages, and kindred subjects arising out of flotsam, jetsam and ligan, and similar droits (or perquisites) of Admiralty; the latter are now taken charge of by an official of the Board of Trade called the Receiver of Wreck; and, generally speaking, all these matters are governed by the statutory provisions of the Admiralty Acts of 1840 and 1861, and the Merchant Shipping Act, 1894. Indeed, it is remarkable that almost all the present powers of the Admiralty Division have been conferred by comparatively recent statutes, and do not rest for their foundation upon the old common law, whose jurisdiction has been lost almost entirely. The criminal side of that jurisdiction had long been swept away, for two excellent reasons: (1) as the Navy expanded it was both impracticable and unnecessary to try minor offences in this court, as the object would be summarily achieved by courts-martial afloat; while (2) as to the graver offences, the jurisdiction ran counter to an essential and cherished principle of the common law (aided by one of the provisions of Magna Carta), namely, trial of an accused person by a jury of his peers; for, in this court, there was no provision for trial save by a single judge, and thus the liberty of the subject was entrusted to the judgment of one individual. The Statute 28 Henry VIII. cap. 15 transferred this criminal jurisdiction to the ordinary King's Courts, and thus swept away an anomaly, which had been considered contrary to the spirit of the English people. Formerly the Courts of the Vice-Admiral were of some importance; these were tribunals established for the trial of causes and crime amongst English colonists abroad, but these courts have now been superseded by Consular Courts in foreign countries (unless for grave cases, for these are sent home) and by the self-governing colonies' own courts. Although, it will be noted, there is little in common between the old order of conducting Admiralty affairs, either in its executive and administrative aspect, or on its judicial side, with modern practice, yet undoubtedly the great prestige and authority at the present day of both aspects of the jurisdiction are largely the fruit of the long and honourable past history and dignity of the office and court of the Lord High Admiral.

VOTES OF THANKS.

Votes of thanks were passed to the Lord Mayor and Lady Mayoress for their hospitality, and to others who had assisted in making the meeting the success which it undoubtedly was.

EXCURSIONS, &C.

A reception and musical entertainment was given in the evening at the Park Hall.

The Cardiff Society arranged two excursions for Thursday, one by passenger steamer to Ilfracombe and the other by special train to Symon's Yat and Tintern. By the invitation of Lord Merthyr, the visitors were given an opportunity of going over the castle. They were admitted to the temporary membership of various clubs, and golf courses and tennis courts were opened to them. Everything was done to make the visit to Cardiff a most successful event.

Solicitors' Benevolent Association.

ANNUAL MEETING.

The annual general meeting of the members of this association was held at the University College, Cardiff, on Wednesday, Mr. ROBERT ELLETT, chairman of the board (Cirencester), presiding.

The annual report of the directors stated that the association has now 3,951 members, of whom 1,177 are life and 2,774 annual subscribers. Seventy-one of the life members were also annual subscribers. The annual subscribers showed an increase of thirty-nine over last year. The directors regretted to report the death of their colleague, Mr. Samuel Harris, of Leicester, who was the senior trustee of the association, and also that of Mr. H. C. Beddoe, of Hereford. Both of these gentlemen were for many years connected with the association. The vacancy caused by the death of Mr. S. Harris has been filled by the appointment of Mr. Samuel Willcox, of Leicester, and that caused by the death of Mr. H. C. Beddoe by the appointment of Mr. W. J. Humfrys, of Hereford. Among the receipts were legacies of £250 under the will of the late Mr. W. W. Kirkman; £100 under the will of the late Sir George Lewis, Bart.; and £200 under the will of the late Mr. James Cook. The fifty-second anniversary festival resulted in an addition to the funds of £794. The total relief granted during the year amounted to £6,298 6s. 8d. This sum very largely exceeded the income from annual subscriptions and dividends, and was made up as follows:—228 grants were made from the general funds, amounting to £5,425 10s.; £150 was paid to annuitants out of the income derived from the late Miss Ellen Reardon's bequest; £28 to the recipient of the "Hollams Annuity No. 1"; £30 to the recipient of the "Hollams Annuity No. 2"; £30 to the recipient of the "Hollams Annuity No. 3"; £30 to the recipient of the "Victoria Jubilee Annuity (1887)"; £36 16s. 8d. to the recipient of the "Henry Morten Cotton Annuity"; £30 to the recipient of the "Christopher Annuity"; and £30 to the recipients of the "Humfrys Annuities"; £240 was paid to pensioners from the "Victoria Pension Fund"; £208 to annuitants under the Kinderley Trust; and five grants, amounting to £60, were made from the special relief fund connected with the "Kinderley Trust."

The CHAIRMAN moved the adoption of the report. He stated that the late Mr. J. S. Beale, whose death the board deeply regretted, had left a legacy to the association of £1,000.

Obituary.

Mr. M. Kingsford.

Mr. Montague Kingsford, a well-known East Kent solicitor, died at Canterbury on Thursday evening, the 19th inst. Mr. Kingsford, who was eighty-three years old, was a son of the late Mr. Henry Kingsford, of Littlebourne, near Canterbury, and for many years he was head of the firm of Kingsford, Wightwick and Co. He held the appointment of clerk to the Commissioners of Sewers for East Kent from 1858 to 1900, and he also acted as agent and solicitor to the Dean and Chapter of Canterbury Cathedral. As agent he effected the exchange of lands for the tithes now held by the Cathedral authority. Mr. Kingsford was Conservative agent for the Eastern Division of Kent, and he acted in this capacity in several elections before the Ballot Act of 1872. Mr. Kingsford married, in 1854, Eliza Ann, daughter of the late Mr. Edmund Rose Swaine, of Herne Hill, who survives him. He had thirteen children, four of whom died. Among the surviving sons are Mr. Cecil E. Kingsford, who succeeded his father in his Canterbury business, and Rear-Admiral H. C. Kingsford.

Mr. W. Y. Cockburn.

Mr. W. Yates Cockburn, chairman of the Kingston-on-Thames County Bench and a deputy-lieutenant for Surrey, died at his residence, Lincoln House, Avenue Elmers, Surbiton, suddenly on the 24th inst. He attended court up to Saturday last. Mr. Cockburn, who was related to the late Lord Chief Justice Cockburn, was seventy-one years of age, and was for some years a judge's marshal at assizes. He married Miss Clayton, daughter of the founder of the Lincoln engineering firm of Clayton and Shuttleworth, and went to live at Surbiton nearly forty years ago. Mr. Cockburn was appointed to the Commission of the Peace for Surrey in 1876, and was distinguished for his devotion to his duties. Last year, in spite of failing health, he made 192 attendances at the court, and a few months ago he announced that since his appointment he had sat 5,000 times on the Bench. He was elected chairman of the Kingston county bench about fifteen years ago, and in 1891 was offered and declined the position of deputy chairman of Quarter Sessions. Mr. Cockburn, whose wife died three years ago, leaves four daughters and two sons.

Legal News.

General.

Mr. Robert Wallace, K.C., in his address to the Grand Jury at the London Sessions, on Monday (says the *Times*), said that the calendar was one of the lightest in the history of the sessions. Of 137 prisoners seventeen had been sent for sentence as incorrigible rougues and twelve others were awaiting punishment which had been deferred. There were only nine women. There had been a steady diminution in the number of cases ever since the new method of dealing with offenders under the Probation of Offenders Act was adopted four years ago. Of those who had been dealt with in that way very few had offended again. That must be a matter of great gratification to every one

interested in the welfare of the country. There was a mistaken idea that the diminution in the number of cases sent for trial was due to the disposal of more cases by the stipendiary magistrates. As a matter of fact, there were 1,000 fewer indictable offenders dealt with summarily last year than in the previous year. The diminution of crime was general all over the country because the Prison Commissioners' report showed that there were 10,000 fewer persons sent to prison than in the preceding year. The prisoners dealt with were chiefly old offenders, whose lives of crime were traceable to the old and vicious system of inflicting heavy sentences of penal servitude for offences which nowadays were punished with minor terms of imprisonment.

The Trades Union Congress (says the *Globe*), in demanding the abolition of special juries, has the great weight of the Common Law Commissioners against it. They recommended, it is true, the creation of "composite juries," on which both special and common should sit together. "At the same time," they added, "we do not propose to abolish the right which now exists of having a special jury as at present appointed." What they desired was not the abolition of the special jury, but the improvement of the common jury. They recommended "the attendance on common juries of the class of persons who now serve exclusively on special juries, with a view to the improvement of the former by the admixture of persons of higher education and intelligence."

The Right Hon. Sir Alfred Wills, of Saxholm, Basset, Southampton, a justice of the King's Bench 1884-1905, who died on the 9th of August, aged eighty-three years, left estate valued at £22,907 gross, with net personalty £22,235. His bequests were to the members of his family.

On taking his seat at the Justice Room of the Mansion House, on the 20th inst., the Lord Mayor was informed that there was neither charge nor summons for hearing, and that, consequently, he was entitled to a pair of white kid gloves. The Lord Mayor said he rejoiced that in a populous and important commercial community like the City there should be such a complete absence of crime—either serious or trivial. The great improvement in the manners and dispositions of people was one of the marked features of the day.

The Lord Chancellor (Lord Haldane), on Monday, received the freedom of the Royal Burgh of Dunbar, in the constituency of East Lothian, which he represented in the House of Commons for a quarter of a century. Lord Haldane, who had a most enthusiastic reception, after referring in the course of his reply to military matters and the work of the Imperial Defence Committee, proceeded to speak of the supreme tribunal of the Empire as a link which bound the Empire together, and of the work of the Judicial Committee of the Privy Council, where appeals from the great Dominions were considered. He emphasised the importance of this supreme tribunal, and said that, while they did not desire to meddle in the affairs of the Dominions, they found that if they provided them with an absolutely impartial court the Dominions came to it and welcomed it. He hoped to develop still further the importance of the Judicial Committee of the Privy Council. He had a Bill before Parliament for that purpose. He thought they had made a considerable impression in dealing with Canadian appeals last July. They hoped to do the same for the other Dominions and for India. The most prominent of their great problems to-day were their imperial problems. About some there was a divergence of opinion. Fiscal questions might give rise to great controversy, but about those questions of which he had spoken—about the position of the Crown, about defence, and about the supreme tribunal of the Empire—there should be and could be no serious controversy.

In a letter to the *Times* of the 21st inst., Mr. John Bavington Jones, writing from Dover, says:—The correspondence that has been printed in the *Times* this autumn on the custody of parish registers having aroused much interest and drawn forth a valuable body of opinion, it would be a pity if the approaching political controversies should cause the subject to be crowded out before any practical conclusion is reached. To-day Mrs. G. E. Cope, who is certainly an authority on the subject, suggests that the registers should be transcribed and typewritten. I would suggest transcribed and printed as an alternative. A typewritten copy would be as liable to destruction as the original, while the printing of the transcript, which would not cost very much more than typewriting, would enable a sufficient number of copies to be struck off to meet the outlay, and at the same time the multiplication of the register would be the best method of preservation. May I mention Dover as an illustration? In olden times the Dover Corporation were the owners of the land of the barony, and granted it in sections to free barons, at nominal rents, on condition that they should contribute to the King's ship service when necessity should arise. Those grants issued by the Dover Hundred Court were very numerous, and contained much local history. The greater part of them are lost, but to save the remainder—about forty in number—they were printed ten years ago, together with other ancient documents, and published in book form. If parish registers were dealt with in that way the cost would not be very great, that portion of the public who are interested in such things would be gratified, and—most important of all—those ancient records would be placed beyond destruction.

At Marylebone, on Wednesday (says the *Times*), before Mr. Plowden, Charles Ralph Augustus Edmonds, of Newent, Gloucester, was summoned by the Law Society for wilfully and falsely pretending that he was duly qualified to act as a solicitor at 41, Praed-street. Mr. R. Humphreys, who prosecuted, said that some months ago C. H. Wells, known as "Monte Carlo Wells," became a bankrupt and was arrested. The Official Receiver took charge of his affairs, and Mr. Walter Turner, solicitor, of Gray's Inn-square, acted on behalf of Wells. The second largest creditor was the Hon. W. C. Trench, who had a claim for £9,000. In the course of his investigations the Official Receiver communicated with Mr. Trench, who sent to the Official Receiver the letter complained of, which was promptly forwarded to the Law Society. The letter was headed "C. R. A. Edmonds, solicitor, commissioner for oaths," and the address, "39, Great James-street, Bedford-row," where the defendant had formerly carried on business, was struck out and in its place was put "41, Praed-street, Paddington." In the letter the defendant mentioned that he had some clients who dealt in speculative things, and asked Mr. Trench to give him a three months' option to buy his claim of £9,835 for, say, £100. Evidence was given that the letter was written for the defendant from a draft letter by a clerk in the employment of his former partner, Mr. Turner, and at the latter's office after office hours. The defendant stated that he removed into the country, and, not having any business there, did not think it worth while to waste £6 on the certificate. He wrote the letter in his capacity as a private citizen. Mr. Plowden fined the defendant £5 with £2 2s. costs, and in default of distress sentenced Edmonds to undergo a month's imprisonment.

The Property Mart.

Forthcoming Auction Sales.

Oct. 3.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2: Reversions, Policies of Assurance, &c. (see advertisement, back page, this week).

Oct. 9.—Messrs. EDWIN FOX, BOUSFIELD, BURNETTS & GADDELEY, at the Mart, at 2: Freehold Properties (see advertisement, back page, Sept. 21).

Oct. 16.—Mr. ED. HUGH HENRY, at the Mart, at 2: Freehold Ground Rents and Building Land, &c. (see advertisement, back page, this week).

Oct. 16.—Messrs. DOUGLAS YOUNG & Co., at the Mart, at 2: Freehold Ground Rents (see advertisement, back page, Sept. 21).

Winding-up Notices.

London Gazette.—FRIDAY, Sept. 20.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

W. L. CLOKE AND CO, LTD. (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Oct 18, to send their names and addresses, and the particulars of their debts or claims, to James Walton, Portland House, 73, Basinghall st, liquidator.

DONKIN BROS., LTD. (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Oct 21, to send their names and addresses, and the particulars of their debt orclaims, to Henry Abey (Henry Chapman, Son & Co.), Barrington st South Shields, liquidator.

HADJEHIAN, LTD.—Petn for winding up, presented Sept 17, directed to be heard Oct 15. Rawle, Johnstone & Co, 1 Bedford row agents for H. Whittingham, Bolton, solor to the petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 14.

LEEDS CITY ASSOCIATION FOOTBALL CLUB CO, LTD (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Oct 11, to send their names and addresses, and the particulars of their debts or claims, to Tom Coombs, 14, King st, Leeds. Hepworth & Chadwick, Leeds, solors for the liquidator.

GEO. WARD, FAWSITT & CO, LTD (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Nov 1, to send in their names and addresses, and particulars of their debts or claims, to Ellis Green, Cromwell bldgs, Blackfriars st, Manchester, liquidator.

London Gazette.—TUESDAY, Sept. 24.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BRITISH UNION AND NATIONAL INSURANCE CO, LTD.—Creditors are required, on or before Dec 2, to send their names and addresses, and the particulars of their debts or claims, to Arthur Francis Whinney, 4s, Frederick's pl, Old Jewry. Foss & Co, 5 Fenchurch st, solors for the liquidator.

B. U. R. T. CO, LTD.—Petn for winding up, presented Aug 7, directed to be heard Oct 15. Robinson & Co, 15, Great Marlborough st, solors for the petnr. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct. 14.

CITY RESTAURANTS, LTD—(IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Oct 21, to send in their names and addresses, and particulars of their debts or claims, to Alexander Wright, of Hartley & Co, 34 and 36, Gresham st, liquidator.

HARD STONE FIRMS, LTD.—Creditors are required, on or before Oct 19, to send their names and addresses, with particulars of their debts or claims, to George John Long, 3, Northumberland bldgs, Bath, liquidator.

KABUTO GOLD MINING CO, LTD.—Petn for winding up, presented Sept 16, directed to be heard Oct 15. Heywood & Ram, The Outer Temple, 222, Strand, solors for the petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 14.

LONDON AND MASHONALAND SYNDICATE, LTD.—Creditors are required, on or before Oct 17, to send their names and addresses, and the particulars of their debts or claims, to Harry James Almond, Balfour House, Finsbury pvmt, liquidator.

J. G. MORTON & CO, LTD.—Creditors are required, on or before Oct 21, to send in their names and addresses, with particulars of their debts or claims, to Frederick Richard Maddox, 4, York st, Twickenham, liquidator.

OTTO THOMAS, LTD (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Oct 1, to send their names and addresses, and the particulars of their debts or claims, to George Pollock Vasey, 45, Leadenhall st, liquidator.

PINNOCK'S STORES AND AGENCY LTD.—Petn for winding up, presented Sept 18, directed to be heard at the Court House, Quay st, Manchester, Oct 4, at 11. Josiah Dean & Son, 22, Lord st, Liverpool, solors for the petnrs. Notice of appearing must reach the above named not later than 6 o'clock in the afternoon of Oct 3.

PLANTERS TEA ASSOCIATION LTD. (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Oct 1, to send their names and addresses, and the particulars of their debts or claims, to George Pollock Vasey, 45, Leadenhall st, liquidator.

Creditors' Notices.

Under 22 & 23 Vict. cap. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Sept. 20.

ASHFIELD, EDMUND WODLEY, Tottington Norfolk Oct 19 Wright, Hitchin

BACK, FANNY, St Leonards on Sea Oct 28 Bower & Co, Bream's Bldgs, Chancery ln

BAXTER, GEORGE, New Wortley, Leeds, Railway Guard Oct 5 Bowlings & Co, Leeds

BAYLY, ELIZA SOPHIA, East Sheen, Surrey Nov 4 Tyler, Clement's inn

BECKETT, CALEB, Gresham rd, Brixton, Electrical Engineer Oct 31 Leoni & Deards, Bedford row

BELL, KATE GORDON, Ealing July 18 Slaughter & May, Austin friars

BODEN, EDWARD HENRY, Carlton, Melborne, Victoria Oct 29 Sladen & Wing, Queen Anne's gate, Westminster

BOTTOMLEY, JAMES ALFRED, Huddersfield, Solicitor Oct 31 Brook, Huddersfield

BRIERS, FRANCES Shenley, nr Barnet, Herts Oct 31 Bowes & Son, Barnet

BROOK, WILLIAM, West Vale nr Halifax Oct 24 Longbotham & Sons, Halifax

CANNING, SAMUEL GEORGE, Hampton in Arden, Warwick Nov 1 Lane & Co, Birmingham

CARR, JANE, Baildon, Yorks Oct 19 Whitham & Buchanan, Ripon

CHALMERS, JOHN ALEXANDER, Bournemouth, Mining Engineer Oct 18 Loughborough & Co, Austin friars

CHAPMAN, WILLIAM, Almondsbury, Glos Oct 14 Powell, Banwell

COOK, JOHN JAMES, Median rd, Lower Clapton Oct 31 Stunt & Son, Chelmsford

COPPARD, WILLIAM, Burwash, Sussex, Farmer Oct 18 Buss, Tunbridge Wells

CROSS, CHARLES, Weaverham, Chester, Farmer Oct 25 A & J E Fletcher, Northwich, Cheshire

DOBBYN, JOHN STEPHEN, Knollys rd Streatham Oct 30 Iliffe & Co, Bedford row

DOWLAND, MARIA, Salisbury, Wilts Oct 19 Wilson & Sons

EDWARDS SARAH ELIZABETH, Ripon, Yorks Oct 19 Whitham & Buchanan, Ripon

EMINSON, JOHN MILTON OXLEY, Peterborough Nov 20 Bates & Mountain, Great Grimsby

FARRELL, HELEN, Hathersage, Derby Nov 1 Wake & Sons, Sheffield

GILLOW, ELIZABETH, Worthing Nov 4 Gates, Worthing

HAMILTON, ELIZABETH, Barton upon Humber Nov 20 Goy & Co, Barton on Humber

HANCOCK, CLARA BETSY, Northampton Oct 21 Brabant, Gray's inn sq

HARRIS, BOOTH, Stratford, Essex Oct 23 Martin, Guildhall chmbrs, Basinghall st

HARRISON, FREDERICK CHIANALL, Brixton, Bedford Oct 19 Mitchell, Bedford

HARRISON, JOHN THOMAS, Great Tower st, Shipowner Oct 26 Lumb & Co, Ironmonger in

HAWKINS, EDITH, Clevedon, Somerset Nov 2 Twisden & Co, Gray's inn sq

HOBBS, GEORGE WILLIAM, Garlinge, nr Westgate on Sea Oct 23 Payn & Son Dover

HOSTE, Lady ALICE, Sloane ter mans Oct 18 Stow & Co, Lincoln's inn fields

JONES, CHARLES, Bartholomew rd, Kentish Town Oct 31 Jennings, Kentish Town rd

JONES, JAMES, Llansilen, Mon Oct 1 Gardiners & Heywood, Abergavenny

KELLEY, EDWARD REGINALD, Weston super Mare Oct 23 J H & F W Bere, Weston super Mare

LEE, SAMUEL, Preston Oct 17 Rawsthorn & Co, Preston

LEWIS, ALFRED REES, Rochester ter, Camden rd Dec 16 Evans & Co, Theobald's rd

LYNN, CHARLOTTE, Mitcham, Surrey Oct 21 Eldridge & Newsham, Croydon

MADDISON, BETSY BEATRICE, Tetford, nr Horncastle, Lincoln Oct 30 Punch & Robson, Middlesbrough

MADDISON, JOHN WILLIAM, Tetford, nr Horncastle, Lincoln Oct 30 Punch & Robson, Middlesbrough

MANBY, CORDY, Wassell Wood, Worcester Nov 1 Manby & Brevitt, Wolverhampton

MIDDLEDITCH, WILLIAM, Ixworth, Suffolk, Grocer Oct 31 Greene & Greene, Bury St Edmunds

MITCHELL, EMILY, Edgware rd Oct 10 Cooper & Co, Portman st, Portman sq

NEILL, MARY ANNE, Harlow, Essex Nov 1 Capron & Co, Savile pl

NEWSON, GEORGE, Gorleston, Suffolk, Boatman Oct 28 Wiltshire & Co, Great Yarmouth

PITTS, GEORGE, Ashburton, Devon Oct 5 Tucker & Son, Ashburton

POER, Most Hon HENRY DE LA, Marquess of Waterford, Portlaw, Waterford Nov 1 McMahon & Tweedy, Hume st, Dublin

POWIS, ELIZABETH, Hastings Oct 24 Morgan, Hastings

RICHARDSON, AGNES CATHARINE, Holywell, Flints Oct 15 Woods, Preston

ROWLANDS, MARGARET, Titley, Hereford Sept 23 Woosnam, Newtown, N Wales

RUSSELL, BARBARA AMALIA GRAY, Bournemouth Oct 31 Stibbard & Co, Leadenhall st

SHARMAN, KEZIAH, Chesterton, Cambridge Oct 10 Foster, Cambridge

STEPHENS, RICHARD, Berriew, Montgomery, Farmer Oct 1 Woosnam, Newtown, N Wales

THOMPSON, REV WALTER, Crowle, Worcester Oct 31 Garrard & Anthony, Worcester

THORNTON, JANE, South Bolden, Durham Oct 17 Brumell & Sample, Morpeth

VASEY, FLORENCE ADA, Southport Nov 17 Gill, Devonport

WARREN, THOMAS, Redfield, Bristol Oct 20 W E Butson Bristol

WEAKLEY, SARAH ANN, Melksham, Wilts Oct 23 Wansbroughs & Co, Bristol

WHITE, WILLIAM THOMAS, Watermoor, Cirencester Oct 22 Edwards, Basinghall st

WHITEHEAD, ELIZA MARIA, Birmingham Nov 9 Pinsent & Co, Birmingham

WILKINSON, JOHN, Whalley, Lancs, Farmer Oct 12 Briggs, Padiham

WILLIS, ELIZABETH, Harrogate, Yorks Oct 16 Hirst & Capes, Harrogate

WORSLEY, EMILY THERESA CHARLOTTE, Ashford, Middx Oct 21 Cann & Son, South sq, Gray's inn

WORTHINGTON, WILLIAM HENRY, Manchester, Public Works Contractor Nov 2 Davies & Co, Warrington

WRIGHT, CHARLES, East Harling, Norfolk Oct 21 Francis & Back, Norwich

Bankruptcy Notices.

London Gazette.—FRIDAY, Sept. 20.

RECEIVING ORDERS.

BENEFIELD, JOHN, East Howe, Dorset, Baker Poole Pet Sept 4 Ord Sept 18

BOWMER, JOHN HENRY, Ilkeston, Derby, Butcher Derby Pet Sept 17 Ord Sept 17

CARLISH, ANTHONY, Holborn, Tailor High Court Pet Aug 14 Ord Sept 16

CLARK, EMMA, Shenstone, nr Lichfield Walsall Pet Sept 17 Ord Sept 17

COX, WILLIAM RICHARD, Birmingham, Baker Birmingham Pet Sept 16 Ord Sept 16

CROUDACE, HENRY, Charlton rd, Blackheath High Court Pet June 18 Ord Sept 16

DAVIES, JOSEPH, Shrewsbury, Baker, Shrewsbury Pet Sept 17 Ord Sept 17

EDWARDS, JOHN, Belvedere, Kent, Dairyman Rochester Pet Sept 18 Ord Sept 18

EDWARDS, JOSEPH, Bromsgrove, Draper Worcester Pet Sept 17 Ord Sept 17

FRYER, JOSEPH, Leeds Leeds Pet Sept 18 Ord Sept 18

GRANGER, ROBERT, Chingford, Essex, Proofer Edmonton Pet April 19 Ord Sept 16

GREEN, ISIDORE, Newport, Mon, Outfitter Newport Mon Pet Sept 16 Ord Sept 16

HARDY, JOHN HENRY, Brighouse, Milk Dealer Halifax Pet Sept 17 Ord Sept 17

HUGHES, JOHN, Llanidloes, Montgomery, Greengrocer Newtown Pet Sept 16 Ord Sept 16

JACKSON, THOMPSON, Kingston upon Hull, Labourer Kingston upon Hull Pet Sept 17 Ord Sept 17

JONES, HUGH PUGH, Llanbradach, Glam, Builder Pontypridd Pet Sept 18 Ord Sept 18

KENNEDY and Co, Beaconsfield, Bucks, Auctioneers Aylesbury Pet Aug 30 Ord Sept 16

MALLORY, DENIS F, Bournemouth Poole Pet Aug 21 Ord Sept 18

MALTBY, FREDERICK, Gotham, Notts, Carter Nottingham Pet Sept 18 Ord Sept 18

MAY, ERNEST HAROLD, Ibstock, Leicester, Miner Leicester Pet Sept 18 Ord Sept 18

MIGGE, WILLIAM, Eastcheap High Court Pet Aug 20 Ord Sept 18

PICKFORD, ALFRED, Newcastle under Lyme, Baker Hanley Pet Sept 16 Ord Sept 16

RISDALE, JOHN, Stockton on Tees, Labourer Stockton on Tees Pet Sept 14 Ord Sept 14

ROCKLIFF, JOHN HENRY, Clerkenwell rd, Cycle Factor High Court Pet Sept 17 Ord Sept 17

SANDERS, JAMES STANLEY, Swansea, Shoeing Smith Swansea Pet Sept 16 Ord Sept 16

SILCOX, ALBERT, Abingdon, Berks, Licensed Victualler Oxford Pet Aug 30 Ord Sept 17
SPROSTON, JAMES, Longport, Stafford, Coal Dealer Pet Sept 2 Ord Sept 16
TAYLOR, Septimus, Sheffield, Fruit Salesman Sheffield Pet Sept 13 Ord Sept 16
WEBER, LEWIS and WEBER, SOLOMON, Leman st, Whitechapel, Boot Manufacturers High Court Pet Sept 17 Ord Sept 17

Amended Notice substituted for that published in the London Gazette of Sept 13.

GREENWOOD, ALFRED HUBERT, Ramsey, Hunts, Potato Merchant Peterborough Pet Aug 21 Ord Sept 11

FIRST MEETINGS.

ALCOCK, V C, Tidworth, Hants Oct 1 at 1 Off Rec, City chmbrs, Catherine st, Salisbury
AMOS, MAJOR HARRY JOEL, Wisbech, Cambridge, Potato Merchant Sept 23 at 12.30 Off Rec, 8, King st, Norwich
ATKINSON, ROBERT, Haswell, Durham, Innkeeper Sept 30 at 2.30 Off Rec, 3, Manor pl, Sunderland
CARLISH, ANTHONY, Holborn, Tailor Sept 30 at 11 Bankruptcy bldgs, Carey st
CLARK, EMMA, Shenstone, nr Lichfield Oct 1 at 12 Off Rec, 30, Lichfield st, Wolverhampton
COOPER, RUTH, Dewsbury, Yorks, Dressmaker Sept 30 at 11 Off Rec, Bank chmbrs, Corporation st, Dewsbury
CROUDACE, HENRY, Charlton rd, Blackheath, Company Director Sept 30 at 1 Bankruptcy bldgs, Carey st
DAVIES, JOSEPH, Shrewsbury, Baker Sept 28 at 11.30 Off Rec, 22, Swan hill, Shrewsbury
DELAHUNTY, PHILIP JOHN, Norwich, General Shopkeeper Sept 30 at 12 Off Rec, 8, King st, Norwich
DUBBIN, HARRY, Watford, Herts, Motor Mechanic Sept 30 at 12 Off Rec, 14, Bedford row
EVANS, JOHN, Bedwas, Mon, Mason Sept 28 at 12 Off Rec, 144, Commercial st, Newport, Mon
FITT, GEORGE, Lowestoft Sept 30 at 12.30 Off Rec, 8, King st, Norwich
FUDGE, FRANCIS ELLIS, New Bridge, Mon, Fruiterer Sept 28 at 11 Off Rec 144, Commercial st, Newport Mon
GATLEY, JOHN RAWLINS, Rhyl, Flints, Gents' Hosier Sept 30 at 12 Crypt chmbrs, Chester
HAAG, GEORGE, Chesterfield, Pork Butcher Sept 30 at 12.30 Angel Hotel, Chesterfield
HADDOCK, WILLIAM, Wigan, Milk Dealer Oct 1 at 11 Off Rec, 19, Exchange st, Bolton
HARDY JOHN HENRY, Brighouse, Milk Dealer Sept 30 at 10.45 County Court, Prescott st, Halifax
HEARLE, SAMUEL (Jnr), Probus Cornwall, Farmer Oct 1 at 12 Off Rec, 13, Princes st, Truro
HIGGS, ALBERT NICHOLAS, Aberbargoed, Mon, Grocer Sept 28 at 11.30 Off Rec, 144, Commercial st, Newport, Mon
HUGHES, JOHN, Llanidloes, Montgomery, Greengrocer Oct 4 at 10.30 1, High st, Newtown
LESTERLEIGH, FRANK WILLIAM, Cheltenham, Organist Oct 1 at 3.15 County Court bldgs, Cheltenham
LEWIS, MARY ANNE, Barry, Glam Sept 30 at 3 117, St Mary st, Cardiff
MAY, ERNEST HAROLD, Ibstock, Leicester, Miner Sept 30 at 12 Off Rec, 1, Berridge st, Leicester
MIGGE, WILLIAM, Eastcheap, Proprietary Medicine Vendor Oct 1 at 12 Bankruptcy bldgs, Carey st
NUTTALL, WILLIAM HENRY, Urmston, Lancs, Warehouseman Sept 28 at 11.30 Off Rec, Byrom st, Manchester
PENDRY, SHADRACH, Windsor, Berks, Livery Stable Keeper Sept 30 at 3 Off Rec, 14, Bedford row
PRITCHARD, LOUISA ROSETTA, Herne Bay, Kent Sept 24 at 12.30 Off Rec, 68A, Castle st, Canterbury
ROCKLIFF, JOHN HENRY, Clerkenwell rd, Cycle Factor Nov 12 at 11 Bankruptcy bldgs, Carey st
STONE, THOMAS HENRY, Bexley Heath, Kent, Commercial Traveller Sept 30 at 4 115, High st, Rochester
THOMAS, JOHN, Ebbw Vale, Mon, Insurance Agent Sept 28 at 12.30 Off Rec, 144, Commercial st, Newport, Mon
TRAVIS, JOSEPH SANKEY, Urmston, Lancs, Builder's Clerk Sept 28 at 11 Off Rec, Byrom st, Manchester
WEBER, LEWIS, and SOLOMON WEBER, Leman st, Whitechapel, Boot Manufacturers Sept 28 at 11 Bankruptcy bldgs, Carey st
WHITE, MARIANNE FANNY, Ebley, nr Stroud, Glos Sept 28 at 3 Off Rec, Station rd, Gloucester
WHITLOCK, GRAHAM BRICE, Fareham, Hants Oct 1 at 3 Off Rec, Cambridge junct, High st, Portsmouth

ADJUDICATIONS.

BISHOP, JOHN HENRY, Devonport, Grocer Plymouth Pet Aug 3 Ord Sept 17
BLANCHFLOWER, VICTOR JAMES, Cirencester, Tailor Swindon Pet July 11 Ord Sept 17
BOWMER, JOHN HENRY, Ilkeston, Derby, Butcher Derby Pet Sept 17 Ord Sept 17
CLARK, EMMA, Shenstone, nr Lichfield Walsall Pet Sept 17 Ord Sept 17
COHEN, MYER, Finchley rd High Court Pet July 5 Ord Sept 16
COX, WILLIAM RICHARD, Birmingham, Baker Birmingham Pet Sept 16 Ord Sept 16
CROUDACE, HENRY, Charlton rd, Blackheath, Company Director High Court Pet June 18 Ord Sept 18
DAVIES, JOSEPH, Shrewsbury, Baker Shrewsbury Pet Sept 17 Ord Sept 17
EDWARDS, JOSEPH, Bromsgrove, Draper Worcester Pet Sept 17 Ord Sept 17
FRYER, JOSEPH, Leeds Leeds Pet Sept 18 Ord Sept 18
GREEN, ISIDORE, Newport, Mon, Outfitter Newport, Mon Pet Sept 16 Ord Sept 16
HACK, WILLIAM EDWARD, Leicester, Grocer Leicester Pet Aug 27 Ord Sept 17
HARDY, JOHN HENRY, Brighouse, Milk Dealer Halifax Pet Sept 17 Ord Sept 17
HESELTINE, ALFRED THOMAS, Gratton ter, Cricklewood, Builder High Court Pet July 26 Ord Sept 16
HIXON, GEORGE, Walsall, Timekeeper Walsall Pet July 19 Ord Sept 18
HOFFMANN, PHILIP CHRISTOPHER, Merthyr Tydfil, Trades Union Organiser Merthyr Tydfil Pet Aug 23 Ord Sept 18
HUGHES, JOHN, Llanidloes, Greengrocer Newtown Pet Sept 16 Ord Sept 16
HUTCHINSON, Robert, Kendal, Cycle Dealer Kendal Pet Aug 19 Ord Sept 18
JACKSON, THOMPSON, Kingston upon Hull, Labourer Kingston upon Hull Pet Sept 17 Ord Sept 17
JOHNSON, JOHN GROVE, Coulson st, Kings rd, Chelsea High Court Pet Feb 27 Ord Sept 16
JONES, HUGH PUGH, Llanbradach, Glam, Builder Pontypridd Pet Sept 18 Ord Sept 18
LESTERLEIGH, FRANK WILLIAM, Cheltenham, Organist Cheltenham Pet Sept 9 Ord Sept 18
LINDSELL, JOHN RUTHVEN, Park st High Court Pet June 17 Ord Sept 18
LLOYD, J F, Bishop's Cleeve, nr Cheltenham Cheltenham Pet July 23 Ord Sept 17
MACCALLUM, A E G, Dover st chmbrs, Piccadilly High Court Pet July 6 Ord Sept 18
MALTBY, FREDERICK, Gotham, Notts, Carter Nottingham Pet Sept 16 Ord Sept 18
MAY, ERNEST HAROLD, Ibstock, Leicester, Miner Leicester Pet Sept 13 Ord Sept 18
PICKFORD, ALFRED, Newcastle under Lyme, Baker Hanley Pet Sept 16 Ord Sept 16
RIDSDALE, JOHN, Stockton on Tees, Labourer Stockton on Tees Pet Sept 14 Ord Sept 14
SANDERS, JAMES STANLEY, Swansea, Shoeing Smith Swansea Pet Sept 16 Ord Sept 16
TAYLOR, SEPTIMUS, Sheffield, Fruit Salesman Sheffield Pet Sept 13 Ord Sept 13
VIGERS, THOMAS WHITEHAIR, and ALBERT GEORGE NEPEAN FORD, Hampden House, Kingsway, Manufacturers of Photographic Paper High Court Pet Sept 4 Ord Sept 18
WEBER, LEWIS, and SOLOMON WEBER, Leman st, Whitechapel, Boot Manufacturers High Court Pet Sept 17 Ord Sept 17

ADJUDICATION ANNULLED AND RECEIVING ORDER RESCINDED.

JONES, WILLIAM ROBERT, Llanbadrig, Anglesey, Farmer Bangor Rec Ord June 18, 1894 Adjud June 18, 1894 Resc and Annul Sept 9, 1912

London Gazette.—TUESDAY, Sept. 24.

RECEIVING ORDERS.

BATTY, PAUL, Scarborough, Stationer Scarborough Pet Sept 20 Ord Sept 20
CHILDS, SARAH, Winton, Bournemouth Poole Pet Sept 19 Ord Sept 19
COOK, ERNEST WILLIAM, West Pennard, Somerset, Coal Merchant Wells Pet Sept 20 Ord Sept 20
COOPER, CLAUDE FREDERICK GEORGE, Taybridge rd, Clapham, Draper Wandsworth Pet Aug 12 Ord Sept 19
CORNFORTH, JOHN CHARLES, Darlington, Painter Stockton on Tees Pet Sept 18 Ord Sept 13
DUKE, GILBERT ASHTON, Carlton mans, Maida Vale, Solicitor High Court Pet Aug 16 Ord Sept 20
EDGAR, GEORGE, Kirklinton, nr Carlisle, Contractor Carlisle Pet Sept 20 Ord Sept 20
EVANS, DAVID O, Old Bond st, Ladies' Tailor High Court Pet Aug 21 Ord Sept 20
GEACH, WILLIAM, Kingsley rd, Wimbledon Wandsworth Pet Aug 12 Ord Sept 19
GEORGE, OLIVER EDWARD, Portsdown rd, Maida Vale High Court Pet Aug 22 Ord Sept 20
GRIMSHAW, THEODORE, Winton, Bournemouth, Commercial Traveller Poole Pet Sept 21 Ord Sept 21
HARRIS, WILLIAM PLAMPIN, Boer Alton, Devon, Chemist Plymouth Pet Sept 20 Ord Sept 20
HAWKINS, ALFRED, Meols, Chester, West Africa Merchant Birkenhead Pet Sept 17 Ord Sept 17
HEDLEY, WILLIAM, Hartlepool, Durham, Licensed Victualler Sunderland Pet Sept 18 Ord Sept 18
HOLT, JAMES, Bury, Lancs Commission Agent Bolton Pet Aug 19 Ord Sept 18
HOOLE, WILLIAM ARTHUR, Morecambe, Lancs, Fruiterer Preston Pet Sept 20 Ord Sept 20
HUGHES, THOMAS, Llanfairpwllgwyngyll, Anglesey, Builder Bangor Pet Sept 19 Ord Sept 19
HUSON, SAMUEL, Markilley, Brighouse, Halifax Pet Sept 19 Ord Sept 19
JOHNSON, otherwise CARL LEMAIRE, Woburn pl High Court Pet Aug 12 Ord Sept 20
LAWSON, THOMAS CORNELIUS, Oulton Broad, Suffolk, Surgeon Colchester Pet Sept 19 Ord Sept 19
LEWIS, SIMON, High st, Aldgate High Court Pet May 7 Ord Sept 18
MORRISH, E, Strathblaine rd, Battersea Wandsworth Pet Aug 19 Ord Sept 19
PARKES, HARRY, Ryecroft, nr Rotherham, Labourer Sheffield Pet Sept 19 Ord Sept 19
RANDLE, JOHN, Bloxwich, Staffs, Saddler Walsall Pet Sept 20 Ord Sept 20
RASON, The Hon Sir CORNTHWAITE, Copthall av High Court Pet May 7 Ord Sept 18
RILEY, WILLIAM, Leicester Leicester Pet Sept 20 Ord Sept 20
SHANOCK, ISAAC, Southend on Sea, Draper's Tallyman Chelmsford Pet Sept 20 Ord Sept 20
VILLIERS, CHARLES SHARP, Bridge Avenue mans, Hammersmith High Court Pet Aug 23 Ord Sept 19
WILLIAMS, MARY HELEN, Sloan st High Court Pet Aug 26 Ord Sept 19
WILLIAMS, PETER THOMAS, Brixham, Devon, Fancy Goods Dealer Plymouth Pet Sept 19 Ord Sept 19
WILLIAMS, WILLIAM, Gosport, Hants, Fishmonger Portsmouth Pet Sept 20 Ord Sept 20
WOLFFE, JACOB ALEXANDER, Goldhurst ter, Hampstead, Wholesale Jeweller Birmingham Pet Sept 19 Ord Sept 19